

**THE EFFECTIVENESS OF DETECTIVES IN THE INVESTIGATION OF  
HOUSEBREAKING CASES IN THE SECUNDA CLUSTER, MPUMALANGA  
SOUTH AFRICA**

by

ZIZAMELE ERNEST MAKHAZA

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Supervisor: Dr JS Horne

Co-supervisor: Dr NJC Olivier

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## DECLARATION

I, Zizamele Ernest Makhaza, student number 3079545-1, declare that **“The effectiveness of detectives in the investigation of housebreaking cases in the Secunda Cluster, Mpumalanga, South Africa,”** is my own work, and that all the sources I have used or quoted have been indicated and acknowledged by means of complete references.

*Z.Emakhza*

28 January 2018

(Mr Z.E. Makhaza)

3079-545-1

## **EDITORS CERTIFICATE**

12 February 2018

I, Marlette van der Merwe, hereby certify that the text and list of references of the master's dissertation, "The effectiveness of detectives in the investigation of housebreaking cases in the Secunda Cluster, Mpumalanga," by Zizamele Ernest Makhaza, have been edited by me, according to the Harvard referencing method (2011) as used by the School of Criminal Justice: Department Police Practice, at the University of South Africa.

Marlette van der Merwe

BA (English), HDipLib (UCT)

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**Title: The effectiveness of detectives in the investigation of housebreaking cases in the Secunda Cluster, Mpumalanga South Africa**

**ABSTRACT**

This study seeks to determine the effectiveness of detectives in the investigation of housebreaking cases in the Secunda Cluster. Key theoretical concepts such as criminal investigation, housebreaking, evidence and effectiveness, are defined and explained. The objectives of criminal investigation are discussed in detail. The elements of housebreaking are also explained in detail. The researcher's findings were that the research questions were answered by all the participants, who had more than adequate knowledge on the concepts, and were sometimes in line with the literature. The researcher noted the problems identified by the participants and came up with some solutions. On the basis of the findings of this research, recommendations are made to have specialised training in the investigation of housebreaking cases. The clarification and application of the various investigation techniques to improve the effectiveness of the investigation of housebreaking cases were also recommended. Investigators should continually receive refresher in-service training on new techniques being used by criminals in committing residential housebreaking cases.

**Key terms:**

effectiveness, detectives, investigation, housebreaking cases, residential premises, crime scene, evidence, intelligence, docket inspections, factors, informers

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### **LIST OF ABBREVIATIONS**

CIAC	SAPS Crime Information Analysis Centre
CPF	Community Policing Forum
CRC	Criminal Record Centre
CSC	Community Service Centre
DNA	Deoxyribonucleic acid
FSL	Forensic Science Laboratory
LCRC	Local Criminal Record Centre
MTech	Magister Technologiae
SAPS	South African Police Service
TSA	Technikon South Africa
UNISA	University of South Africa

# **CHAPTER 1**

## **GENERAL ORIENTATION**

### **1.1 INTRODUCTION**

The high level of crime in South Africa has become intolerable, particularly in the area identified for this study. National crime statistics show that there is a high level of housebreaking cases on both residential and business premises, where suspects are not arrested. The majority of such cases are closed as 'undetected'. According to the 2011 annual report of the South African Police Service (SAPS) (SAPS, 2011), a total of 45,600 housebreaking cases, both residential and business, were reported in Secunda Cluster.

According to Major General Gama (2011), Provincial Head of Detective Services of SAPS in Mpumalanga, the statistics on housebreaking (business and residential premises) indicate that housebreaking and/or burglary amount to 74 percent of the crime incidents committed in and around the Secunda area. The Secunda Cluster includes the following stations: Bethal, Charl Cilliers, Embalenhle, Emzinoni, Evander, Kinross, Leslie, Secunda and Trichardt– all of which are within a radius of 145 square kilometres, with a total of 111 general detectives serving the entire area (South Africa, 2012), and the total population, as at 2011, amounts to 1,987 falling under the stations in which this study has been conducted.

According to Major General Gama (2011), there has been an outcry in the local media, and among members of the Community Policing Forum (CPF), about the high incidence of housebreaking. This concern has also been confirmed by Mr M Mphuthi (2011), Provincial Chairperson of the CPF Secunda during the CPF meeting held on 2011-02-16. It is evident that housebreaking is a serious challenge for the community of the Secunda Cluster.

According to records supplied by the SAPS Crime Information Analysis Centre (CIAC) (SAPS, 2012), the following business and residential statistics were published for the Secunda Cluster for the period January-December 2011 (Table 1.2).

According to SAPS 6 (Table 1.1) (SAPS, 2012), it can clearly be deduced from the low number of cases that received a guilty verdict, in comparison with the high number of cases withdrawn in court – and withdrawals even before the cases went to court. The number of cases that were undetected indicate that there were, indeed, problems with the investigation of these cases.

Table 1.2, below, indicates housebreakings for the period January 2011 to December 2011 in the Secunda Policing Cluster (SAPS, 2012).

**Table 1.1:** SAP6 of the South African Police Service for case flow management

REPORTED AND DISPOSAL							FINALISED IN COURT					
1	2	3	4	5	6	7	8.1	8.2	8.3	8.4	8.5	8.6
Reported	Brought Forward	To court	Withdrawn	Untraced	Unfounded	Carried Over	Previous in court	Guilty	Not guilty	With-drawn	Settled otherwise in court	Not completed in court
1892	2242	331	84	930	9	2648	2779	149	0	224	138	2771

(Source: SAPS, 2012)

**Table 1.2:** Secunda policing cluster: Housebreakings for the period January 2011 to December 2011

Stations	Crime Category	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	TOTAL
Secunda Cluster (MP)	Burglary at non-residential premises	33	15	19	16	20	13	12	21	18	18	21	22	228
Secunda Cluster (MP)	Burglary at residential premises	142	117	150	155	158	124	127	127	88	119	129	133	1569
Bethal	Burglary at non-residential premises	7	5	3	3	5	1	3	4	4	5	2	6	48
Bethal	Burglary at residential premises	7	6	2	8	8	3	8	8	2	5	4	4	65

Stations	Crime Category	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	TOTAL
Charl Cilliers	Burglary at non-residential premises	0	0	0	0	0	0	0	0	0	0	0	0	0
Charl Cilliers	Burglary at residential premises	0	0	0	0	3	4	1	0	2	1	1	1	13
Embalenhle	Burglary at non-residential premises	9	6	3	7	4	3	2	8	2	3	4	4	55
Embalenhle	Burglary at residential premises	54	40	32	50	49	42	60	57	26	51	45	39	545
Emzinoni	Burglary at non-residential premises	1	0	0	0	1	0	0	0	1	1	1	1	6
Emzinoni	Burglary at residential premises	9	4	13	10	17	10	9	14	7	13	20	30	156
Evander	Burglary at non-residential premises	8	0	4	4	2	0	2	3	4	1	2	2	32

Stations	Crime Category	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	TOTAL
Evander	Burglary at residential premises	4	5	9	17	14	4	3	9	12	4	9	10	100
Kinross	Burglary at non-residential premises	0	0	0	0	1	0	0	1	3	3	2	2	12
Kinross	Burglary at residential premises	11	4	6	7	3	3	6	8	1	11	15	7	82
Leslie	Burglary at non-residential premises	1	3	2	1	1	0	0	2	1	2	4	4	21
Leslie	`	18	14	16	16	14	17	8	8	8	9	7	4	139
Secunda	Burglary at non-residential premises	3	1	3	0	5	6	4	2	2	3	4	2	35
Secunda	Burglary at residential premises	36	40	66	43	48	40	30	23	29	25	27	32	439
Trichardt	Burglary at non-residential premises	4	0	4	1	1	3	1	1	1	0	2	1	19

Stations	Crime Category	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	TOTAL
Trichardt	Burglary at residential premises	3	4	6	4	2	1	2	0	1	0	1	6	30

(Source: SAPS, 2012)



The researcher decided to conduct an informal study on housebreaking case dockets, which were reported during the period January-December 2011, as part of his pre-investigation research. The researcher randomly obtained 60 case dockets, per station, from Bethal, Charl Cilliers, Embalenhle, Emzinoni, Evander, Kinross, Leslie, Secunda and Trichardt, with the purpose of determining the real problems surrounding the investigation of housebreaking cases.

The researcher found that most of the statements in the dockets were poorly drafted, and not even one of the statements compiled by the detectives, and analysed by the researcher, indicated the elements of housebreaking. In most cases, suspects could not be prosecuted, due to a lack of evidence. Few attempts were made to trace suspects before a docket was closed as 'undetected'. The crime scenes in 20 of the 60 case dockets were not visited by experts from the CRC and the FSL. In some dockets, crucial information was not included – such as a list of stolen property.

Having identified the abovementioned problems surrounding the investigation of housebreaking cases, the researcher was then inspired to explore the level of efficiency of the general detectives in dealing with housebreaking investigations. The researcher also perused the training material used for the training course of general detectives and established that general detectives were not being specifically trained in housebreaking investigation, but only in investigation principles in general.

## **1.2 AIM OF THE RESEARCH**

Fouché and De Vos (2011:94) point out that the aim of research is something that one plans or does, and, according to Mills and Birks (2014:204), it forms the anchor point of the research. According to Du Plooy-Cilliers, Davis and Bezuidenhout (2014:73), the aim of research is to determine, to a large extent, the process and outcome of the research.

The aim of this research was to determine which factors influence the effectiveness of detectives in the investigation of housebreaking cases in the Secunda Cluster. This was because, from the preliminary investigation, it is clear that there are some factors that adversely affect the investigations of detectives. Secunda Cluster was

chosen, in order to limit the extent of the research, as it was the area most contributing to housebreaking cases (business and residential) in Mpumalanga.

### **1.3 PURPOSE OF THE RESEARCH**

According to Denscombe (2002:29), the purpose of the research requires the researcher to identify a relatively narrow and precise area for investigation, rather than to set out to investigate some general area of interest. According to Leedy and Ormrod (2014:98), the purpose of the research is to seek a better understanding of complex situations. A researcher's work is sometimes (although not always) exploratory in nature, and they may use their observation to build theory from the ground up. Following the ground rules in Denscombe (2002:27), the purpose of this researcher was to achieve the following:

- Evaluation of the situation: This purpose was driven by the desire to arrive at conclusions about which factors influence the effective investigation of housebreaking. The researcher analysed filed housebreaking dockets, in order to determine the strengths and weaknesses of the investigations, in an attempt to ultimately improve the quality of housebreaking investigation.
- Exploration: The intention here was to discover new information regarding existing housebreaking investigation, to break into new territory regarding the problem, and report back on what could be done to improve investigative effectiveness. In order to do this, the researcher consulted national and international literature, and interviewed experts in the field of housebreaking investigation. The ultimate aim of the study was to turn existing weaknesses in housebreaking investigation into strong points.
- Applied research: The main aim of the research was to solve the problem of ineffective investigation, and to arrive at recommendations for good practice that would address the problem of ineffectiveness and enhance investigative performance.
- Empowerment of those being researched: Most social research treats the people or things that are investigated, as the objects of the research. Research is conducted on them and about them. The aim of this research was to empower investigators in order to improve their effectiveness. The researcher also embarked on station lectures and wrote an article on the topic of this research.

## **1.4 RESEARCH QUESTIONS**

According to Leedy and Ormrod (2014:39), research questions provide guidance for the kinds of data the research should collect; they also suggest how the researcher should analyse and interpret that data. Research questions give specifics on what is to be investigated. Specific things have to be observed, measured and interrogated, in order to shed light on the broader topic (Denscombe, 2002:31). According to Withrow (2014:409), a research question is an interrogative statement that describes what a researcher wants the research to reveal. Research questions should be measurable, unanswered, doable, and disinterested. In order to achieve the intended aim of the research, the researcher sought to find answers to the following research questions:

- What factors must be considered during a housebreaking investigation?
- Which factors influence the effectiveness of detectives in the investigation of housebreaking cases (business and residential) in the Secunda Cluster?

## **1.5 KEY THEORETICAL CONCEPTS**

Leedy and Ormrod (2005:119) mention that the purpose of defining key concepts is to prevent any misunderstandings. Ruane (2005:51) mentions that the researcher should use those definitions that suit the research the best. According to Du Plooy-Cilliers et al. (2014:115), concepts have so many different sources, and can be used in so many different ways, that there can be no single view of the role of concepts in research. The researcher thus plays a deciding role in the identification and definition of the appropriate concepts in a research project. The key theoretical concepts in this research are the following:

### **1.5.1 Criminal investigation**

Van Rooyen (2001:50) defines criminal investigation as “a systematic search for the truth with the preliminary purpose of finding a positive solution to the crime with the help of objectives and subjective clues.” Benson, Jones and Horne (2015:19) support Van Rooyen (2001:50) by defining criminal investigation as –

... a systematic, organised, thinking, reasoning, examination and analysis process designed to search for the truth, during which an enquiry and thorough analysis is conducted of all types of crimes or unlawful acts.

### **1.5.2 Housebreaking**

According to Kemp, Walker, Palmer, Baqwa, Gevers, Leslie and Steynberg (2015:425) and Snyman (2014:43), housebreaking with the intent to commit a crime is when an individual unlawfully and intentionally breaks and enters into a building with the intention to commit a crime.

### **1.5.3 Physical evidence**

Fisher (2004:1), Gardner (2005:348), Jackson and Jackson (2004:34) and Osterburg and Ward (1992:71) support Marais (1992:15) by stating that there are two principal sources of evidence for detective to work with, namely people (oral evidence) and objects (physical evidence). The evidence can either be direct, circumstantial, testimonial or physical (Ogle, 2004:1-2). Chawki (2004:1) defines evidence as something that tends to establish or disprove a fact, and it can include documentary testimony and/or other objects.

Birzer and Roberson (2012:42) state that physical evidence is any object that can establish that a crime has been committed, or any object that can link the suspect to the crime or provide a link between the victim and the crime. According to Van Graan and Budhram (2015:55), physical evidence includes a large variety of objects. Almost any object, substance, trace or impression could constitute physical evidence. Girard (2015:6) mentions that physical evidence includes any and all relevant materials or objects associated with a crime scene, victim, suspect or witness.

### **1.5.4 Effectiveness**

The *Oxford Advanced Learner's Dictionary of current English* (2005:1056) defines "effectiveness" as the achievement of a desired result.

## **1.6 RESEARCH DESIGN AND APPROACH**

According to Mouton (2015:107), 'research design' is defined as a set of guidelines and instructions to be followed in addressing the research problem. Fouché and

Delport (2016:142) define a research design as the process of focusing one's perspective for the purposes of a particular study. According to these explanations, a research design focuses on the end product.

Huysamen (1993:10) offers a related definition of research design as a plan or blueprint, according to which data is collected to investigate the research question in the most economic manner. Mouton (2001:68) defines research design as “a set of guidelines and instructions to be followed in addressing the problem.” Similarly, De Vos (2002:120) defines research design as –

... a blueprint or detailed plan the researcher has to follow in conducting and operationalizing variables so that they could be measured, select samples of interest to the study, collecting data and analysing the results.

The research design chosen in conducting this study was influenced by the kind of study being conducted. For this reason, it was considered imperative to apply an empirical design. Melville and Goddard (1996:32) state that the term ‘empirical’ is used to describe the study as it currently exists. Oates (2006:2) and Singh (2006:9) concur with Melville and Goddard (1996:32) by describing the term ‘empirical’ as “any conclusion drawn based upon hard evidence gathered from information collected from real-life experiences or observations.” The researcher made use of an empirical research design, because new knowledge was obtained, based on the experience of the participants who were interviewed (Maxfield & Babbie, 1995:4; Van As & Van Schalkwyk, 2006:176).

It therefore implies that a qualitative research study was suitable for this research, because the character of the data collection method is to produce descriptive data in the participants’ own words (De Vos, 2002:79). The researcher followed a qualitative research approach, which is explorative and descriptive – as explained by Mouton (2001:103). Babbie and Mouton (2002:270) also explain that qualitative research is especially appropriate to the study of those attitudes and behaviours best understood within their natural setting, as opposed to the somewhat artificial setting of experiments and surveys.

The researcher therefore made an active attempt to go out and seek answers (Creswell, 1994:15; Welman & Kruger, 2005:52). In an attempt to address this topic, the researcher gained first-hand knowledge of what the detectives who are dealing with housebreaking cases, experience. This was done by conducting interviews with police detectives, and also reflecting critically on the literature available on the topic.

## **1.7 TARGET POPULATION AND SAMPLING**

According to Creswell (2003:177), 'target population' is the population to which the researcher would ideally like to generalise his results. Knobe and Bohrnstedt (1991:12) define 'population' as "a set of persons, objects or events having at least one common attribute, allowing researchers to generalise on the basis of representative sample observation." The population for this study consisted of a group of persons from whom the researcher was able to draw conclusions (Maxfield & Babbie, 1995:107), whereas Singh (2006:82) describes 'target population' as the "entire mass of observations, which is the parent group from which a sample is formed."

According to Gray (2004:82), a population can be defined as "the total number of possible units or elements that are included in the study." Wiid and Diggins (2013:86) define 'population' as the "total group of people or entities (social artefacts) from whom information is required." According to Mouton (2015:134) the terms 'population' and 'universe' are used interchangeably in the literature, as follows:

- A population is a collection of objects, events or individuals having some common characteristics that the researcher is interested in studying.
- The universe is the complete set of elements and their characteristics about which a conclusion is to be drawn on the basis of a sample.
- The population is the aggregate of all the cases that conform to some designated set of specifications.

The population in this research consisted of all detectives in South Africa. As it was difficult to carry out the research on all the detectives in South Africa, the researcher decided to work with the target population of detectives in the Secunda area consisting of the following stations: Emzinoni, with eight (8) detectives, Secunda,

with thirty-three (33), Trichardt with six (6), Evander with seven (7), Kinross with seven (7), Leslie with nine (9), Bethal with sixteen (16), and Embalenhle with twenty-five (25) detectives. Charl Cilliers is a small station with no detectives. These detectives are responsible for the investigation of housebreaking cases (business and residential) in the Secunda policing area. The Secunda policing area was chosen, because it is one of the highest contributing stations to housebreaking cases in Mpumalanga.

According to Mouton and Marais (1990:50) and Leedy and Ormrod (2010:207), a sample is the group that is going to be the subject of the research. According to Denscombe (2002:11), a sample is a small portion of the whole. According to Du Plooy-Cilliers et al. (2014:136), probability sampling refers to whether or not each unit (whether an individual or social artefact) in the population has an equal opportunity to be a part of the sample.

As stated by Du Plooy-Cilliers et al. (2014:137), non-probability sampling is used when it is nearly impossible to determine who the entire population is, or when it is difficult to gain access to the entire population. Welman and Kruger (2001:47) mention that in the case of probability sampling, any element or member of the population will be included in the sample, while in non-probability sampling, some elements have no chance (that is, a probability of zero) of being included. Non-probability sampling is used when the researcher believes it is not feasible or necessary to have a representative sample (Oates, 2006:96). Leedy and Ormrod (2014:213) mention that, in probability sampling, every part of the population has the potential to be represented in the sample, while in the non-probability sampling, the researcher has no way of predicting or guaranteeing that each element of the population will be represented in the same sample.

For the purposes of this study, the researcher decided to use probability sampling, as, according to Leedy and Ormrod (2014:213), every part of the population has the potential to be represented in the sample. The researcher then decided to interview 30 of the 111 detectives. According to Strydom (2016:226), random sampling is that method of drawing a sample of a population, so that all possible samples of fixed size have the same probability of being selected.

The researcher used simple random sampling, as described by Leedy and Ormrod (2014:216): “In a simple random sample, each member of the population has an equal chance of being selected.” Simple random sampling involves a selection process that gives every possible sample of a particular size the same chance of selection. Each element of a population must be able to be identified and numbered. The selected numbers then determine which population elements are to be included in the sample (Blaikie, 2003:168). The researcher randomly allocated numbers to each of the 111 detectives, and randomly drew 30 numbers from a box, in order to obtain the sample for the research. This means that only one random sample was drawn, and not a separate sample per station. This prevented any possible bias in the selection process and ensured that all members in the population had an equal chance of being selected.

## **1.8 DATA COLLECTION**

According to Leedy and Ormrod (2014:97), many researchers tend to categorise research studies into two broad categories: quantitative research and qualitative research. Leedy and Ormrod (2014:97) further mention that quantitative research involves looking at amounts or quantities of one or more variables of interest, while qualitative research involves looking at characteristics or qualities that cannot be entirely reduced to numerical values.

Singh (2006:212) defines data as “an elementary description of things, events, activities and transactions that are recorded, stored, classified and used as a basis for inference or recordings.” Creswell (2013:145) mentions that data means, “gaining permission, conducting a good qualitative sampling strategy, developing means for recording information both digitally and on paper; storing the data, and anticipating ethical issues that may arise.”

Welman and Kruger (2001:147) define primary data as “original data collected by a candidate for the purpose of his own study at hand.” Welman and Kruger (2005:149) mention that primary data consists of “written or oral accounts of a direct witness to, or a participant in, an event, or an audio tape, video tape or photographic recording of it.”



According to Denzin and Lincoln (1994:241), there is a variety of methods for the collection of data. Oates (2006:36) maintains that 'data' is "all types of data produced in language through the minds of participants." Leedy and Ormrod (2014:99) state that the use of multiple data collection methods contributes to the trustworthiness of the data. Such a process is called 'triangulation', as it involves the incorporation of multiple data sources.

In this research, the researcher obtained information from interviews, docket analysis and an in-depth literature study, in order to increase confidence in the research findings. The following techniques were used in collecting information/data for the research:

### **1.8.1 Literature**

Onwuegbuzie and Frels (2016:29) define 'literature review' as –

... an interpretation of a section of relevant published and/or unpublished information that is available on a specific topic from one of four modes that optimally involves summarisation, analysis, evaluation, and synthesis of the information.

According to Du Plooy-Cilliers et al. (2014:101), a literature review involves "searching for, reading, evaluating and summarising as much as possible of the available literature that relates both directly and indirectly to the research topic." An in-depth literature study was conducted, in order to obtain information on the research topic. Denscombe (2002:51) advises that a literature study is very important in data collection, as it locates the research within the context of the published knowledge. The researcher visited various resource centres to locate available material on the research topic. Books on the specific topic were not found.

The researcher consulted the UNISA library catalogue and searched under 'policing section.' The researcher also checked relevant journals, the intranet and the Internet, including criminal justice websites on housebreaking cases (business and residential). The researcher decided to break down the topic into the main concepts of the study, such as criminal investigation, forensic investigation, housebreaking and physical evidence.

During the literature study, existing material was used as a basis for showing how current research has something to offer. The views of different authors, relating to the problem that was researched, was discussed, in order to place the research project within a conceptual and theoretical context. Information sources comprising recent national and international academic books, academic journal articles, practice-orientated and popular journal articles, White papers, national instructions, circulars, policy documents, dissertations, conference proceedings and other items available on the Internet, were perused. The aim of the study, as well as the research questions, served as a guidelines to the researcher to ensure that relevant information was obtained for the study.

### **1.8.2 Interviews**

Neuman (2014:217) defines an interview as a “short-term, secondary social interaction between two strangers with the explicit purpose of one person's obtaining specific information from the other.” The basic individual interview is one of the frequent methods used for data gathering within the qualitative approach (Babbie & Mouton, 2002:289). According to De Vos (2002:289), interviews are used to determine perceptions, opinions, facts, forecasts and interviewee reactions.

Leedy and Ormrod (2014:56) mention that there are two types of interviews: structured interviews – mostly used in quantitative interviews, and semi-structured interviews. The researcher used the qualitative interviews. These interviews consequently formed the basis of this study, in obtaining first-hand information pertaining to the experience of detectives in the investigation of housebreaking cases. The researcher conducted 30 individual face-to-face interviews with detectives, using a semi-structured interview schedule to ensure consistency.

Semi-structured interviews provide a positive rapport between interviewer and interviewee and represent an efficient and practical way of obtaining data about things that cannot easily be observed. They have high validity, as the interviewee is able to talk in detail and in depth, with little direction from the interviewer (Oates, 2006:192).

De Vos (2002:299) states that, prior to the interview, the researcher should define the information required, and the information supplied by the interviewee should

clearly relate to the specific questions that the research seeks to answer. The guidelines on conducting a productive interview, as explained by Leedy and Ormrod (2014:156-159), were adhered to, as follows:

- **Identify some questions in advance**

The researcher compiled the interview schedule from the research questions. He asked open-ended questions, to allow the participants to express themselves freely. The researcher used the research questions, research aims and research purpose to identify the interview schedule questions. The research topic was relevant to the participants' work experience – that is, investigation. The interview schedule which was used to interview the detectives is filed under Attachment “A.”

- **Make sure your interviewees are representative of the group**

The researcher justified his sample by using a simple random sampling technique to choose his participants. In a random sample, each person in the universe has an equal probability of being chosen as a participant, and each collection of persons of the same size has an equal probability of becoming an actual participant, as long as they are members of the same universe. The researcher conducted random sampling after an adequate sampling frame had been constructed. He selected persons without showing bias for any personal characteristics (Bailey, 1987:87).

- **Find a suitable location**

The researcher conducted the interviews at the participants' places of work, where there was no disturbance or interruption.

- **Get written permission**

The researcher obtained written permission from the National Commissioner of the SAPS, in order to conduct the research. The approval letter is attached to the dissertation as Annexure “A.” The researcher also obtained consent from the participants as Annexure “B.”

- **Establish and maintain rapport**

The researcher was courteous and respectful at all times and showed interest in what the participants had to say. The researcher conducted the interviews personally.

- **Focus on the actual rather than the abstract or hypothetical**

The researcher asked the participants the questions as outlined in the interview schedule. The questions were all based on the research questions and aim of the study.

- **Don't put words in people's mouths**

The researcher allowed the participants to formulate their own responses.

- **Record responses verbatim**

The researcher wrote down everything that was said by the participants.

- **Keep your reactions to yourself**

The researcher showed interest, even when some of the participants could not give the correct responses or failed to answer a question. The researcher did not influence the participants' answers and remained objective throughout.

- **Remember that you are not necessarily getting the facts**

The participants' responses were treated as perceptions from their own experience.

The same interview schedule was used for interviewing all the participants of Sample "A." The researcher piloted/pre-tested the interview schedule, as suggested by Babbie and Mouton (2002:244). The interview schedule was tested on ten (10) general detectives, to evaluate the schedule and check for shortcomings. No shortcomings were identified. The members used for testing the interview schedule were omitted from the list used to draw the sample. They were not part of the sample, but were, at least, relevant, because they were also detectives, doing the same work as the participants.

### **1.8.3 Purposive interviewing**

Kumar (2011:244) states that the primary consideration in judgemental sampling or purposive sampling is one's judgement as to who can provide the best information to achieve the objectives of one's study. He further elaborates that this sampling is extremely useful when one wants to construct a historical reality, describe a phenomenon, or develop something about which little is known.

Leedy and Ormrod (2014:221) mention that in purposive sampling, the researcher should always provide a rationale as to why they selected a particular sample of participants. In this research, the researcher interviewed the facilitators who present the detective courses to the detectives, as those individuals who have more skills in the investigation of crime, including housebreaking investigation. A separate interview schedule was compiled to interview the purposive selected sample (see Attachment "B").

The following four facilitators, who all have more than ten (10) years' experience in presenting the detective course to the investigators, were interviewed:

- **Purposive sample one (1)**

He is a Colonel in the SAPS, with 27 years' experience in the training environment, and presents the Criminal Procedure Act.

- **Purposive sample two (2)**

He is a Captain in the SAPS, with 20 years of service, and presents Legal Principles.

- **Purposive sample three (3)**

He is a Warrant Officer in the SAPS, with 15 years of service, and presents the Criminal Procedure Act.

- **Purposive sample four (4)**

He is a Warrant Officer in the SAPS, with 13 years of service, and presents the Criminal Procedure Act.

All participants for the purposive sample were asked the same question as per the interview schedule, Attachment "B."

#### **1.8.4 Docket analysis**

Oates (2006:142) defines 'case study' as an empirical enquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident. Neuman (2014:35) defines 'case study' as the most cross-sectional and longitudinal study that examines the features of many people or units, or an entire population. Bryman, Bell, Hirschsohn, Dos Santos, Du Toit, Masenge, Van Aardt, I. and Wagner (2014:110) state that a case study involves the detailed and intensive analysis of one or more cases which the researcher aims to study in-depth. According to Leedy and Ormrod (2014:143), a case study may be especially suitable for learning more about a little known or poorly understood situation.

According to De Vos (2002:275), a case study can be regarded as an exploration or in-depth analysis of a case under investigation, and the case being studied can refer to a process, activity, event, programme or individual, or multiple individuals. For this research, the information obtained from the 480 housebreaking case dockets (business and residential) complemented the information obtained from the interviews and the literature. The list of questions used to retrieve information from the case dockets, was structured in such a way that it could identify shortcomings in the investigation and therefore address the research questions.

The researcher perused a total of 1 599 filed case dockets from the financial year 2009-04-01 to 2010-04-01, in the archives of different stations in the Secunda Cluster and selected the first 480 housebreaking (business and residential) dockets for the whole cluster. The researcher picked up every second docket until he reached a sample of 480 case dockets.

All 480 case dockets were analysed, in order to obtain answers for the following questions:

- Did the investigating officer visit the crime scene?
- Was the docket submitted for 24-hour inspection?
- Did the investigating officer comply with the instructions given by the commander?

- Is there any indication in the investigation diary that the investigating officer attempted to trace the suspects?
- Did the investigating officer comply with the instructions given by the prosecutor?

The above questions assisted the researcher in determining the effectiveness of the detectives in the investigations.

## **1.9 DATA ANALYSIS**

Welman and Kruger (2005:210) define 'qualitative data analysis' primarily as an inductive process of organising the data into categories and identifying the relationships among the categories. A researcher takes a voluminous amount of information and reduces it to certain patterns, categories or themes, and interprets the information by using some schema (Creswell, 1994:154). Singh (2006:223) maintains that data analysis involves breaking down existing complex factors into simple parts and putting the parts together in new arrangements for the purpose of interpretation.

Creswell (2013:180) defines data analysis in qualitative research as consisting of preparing and organising the data (i.e. text data as in transcripts, or image data as in photographs) for analysis, then reducing the data into themes through a process of coding and condensing the codes, and, finally, representing the data in figures, tables or a discussion.

The researcher made use of the data analysis spiral, as explained by Leedy and Ormrod (2005:150), to analyse the data obtained from the case dockets, the interviews with general detectives, and the literature.

The protocol, as highlighted below, was followed during the data analysis spiral:

- Step 1 – Organise the data and categorise it. The researcher went to the police archives to retrieve filed case dockets, for analysis, and visited the library to collate the literature.
- Step 2 – Peruse the data to get a sense of what it contains, put it down in writing, and come up with themes and categories for interpretation. The researcher analysed the case dockets.

- Step 3 – Identify themes and classify sub-data accordingly. The data was classified into chapters.
- Step 4 – Integrate and summarise the data, so that the readers can easily understand it. The researcher integrated the information from the case dockets, the literature and the interviews.

### **1.9.1 Historic information**

The researcher interviewed 30 investigators. The service years of the investigating officers were between five (5) and 25 years. The total of their service years was 105 years. All the interviewed investigating officers investigated housebreaking cases, as well as other cases. There was no specialisation at the branches. All the interviewed investigating officers had attended the basic detective course in which housebreaking is included as one of the subject and also to the Hints to the Specific Crime.

The researcher interviewed four facilitators who all had more than ten (10) years in presenting the detective course to the investigators. Their course presentation includes housebreaking definitions, elements of housebreaking with intent to steal, and theft. The facilitators had the opportunity to interact with the learners, and to hear of further challenges experienced by the detectives on the ground, during investigation of housebreaking cases.

### **1.10 METHODS TAKEN TO ENSURE VALIDITY**

Validity concerns the accuracy of the questions asked, the data collected, and the explanations offered (Denscombe, 2002:100). The interview schedule that was used for all the participants ensured consistency and stability, because it measured the investigation of housebreaking cases (business and residential) by general detectives.

Du Plooy-Cilliers et al. (2014:258), mention that the overarching term that is used for validity and reliability in qualitative research is 'trustworthiness,' which is further divided into credibility, transferability, dependability and confirmability:

- Credibility refers to the accuracy with which the researcher interpreted the data that was provided by the participants. The truth-value is reflected if the research



has established confidence in the findings derived from the information furnished by the participants when they shared their knowledge and personal experiences.

- Transferability is the ability of the findings to be applied to a similar situation and delivering similar results. The researcher recorded the participants' interviews verbatim, using handwritten notes. The data will enable others to make a judgement and decide how transferable the findings are to their own settings.
- Dependability refers to the quantity of the process of integration that takes place between the data collection method, the data analysis and the theory generated from the data. The researchers work was checked by the supervisor (s).
- Confirmability refers to how well the collected data supported the findings and interpretations of the researcher. The researcher collected data by means of interviews with the participants, the literature and case studies, to determine whether the conclusions, interpretations and recommendations could be traced to their sources.

Leedy and Ormrod (2010:3) explain that content validity is the extent to which a measurement instrument is a representative sample of the content area being measured. The selection of the sample and the cases can be considered valid, as they were selected both from police officials and from cases which constituted the content area being measured. The same questions were posed to all the participants during the interviews, and the questions were asked in the same manner, to ensure consistency and stability. The questions were based on the research questions, to ensure that they measured what they were intended to measure, as accurately as possible, as prescribed by Mason (2002:188).

According to Babbie (2016:122), the term 'validity' refers to the extent to which an empirical measure adequately reflects the real meaning of the concept under consideration. According to Du Plooy-Cilliers et al. (2014:256), validity is the extent to which the instrument that was selected actually reflected the reality of the contrasts that were being measured. The researcher used finalised cases relevant to the topic, as case studies. The same criteria were used during the analysis of cases, to obtain information from the selected cases. The sampling method that was used gave all the finalised cases an equal opportunity of being selected.

The researcher corroborated the interview data obtained from the research questions by consulting other sources of information, such as dockets, literature, research in textbooks and participants, to provide backup for the validity of the methods used, as asserted by Singh (2006:80). All the interpretations, analyses and conclusions were made on the basis of data gathered from the interviews, literature and case studies, as explained by Mouton (2001:110). In order to ensure trustworthiness and authenticity of the data, the information obtained from the interviews, literature and case docket analysis was used in a combined manner to establish patterns and trends (Bouma, 1993:47). The researcher looked for common themes in the information collected through the following three methods:

- Interviews
- Literature study
- Case docket analysis

Leedy and Ormrod (2001:99) explain that a multitrait-multimethod is made use of when two or more different characteristics are each measured using two or more different approaches. The researcher used a triangulation approach to collect data, which constitutes a multitrait-multimethod, whereby data is collected from multiple sources. This, according to Leedy and Ormrod (2001:99), does not guarantee the validity of a measurement instrument; it does, however, increase the likelihood of such validity.

Creswell (2013:250-252) mentions the following four strategies that are frequently used by qualitative researchers, relevant to this research:

- **Prolonged engagement and persistent observation**

The researcher made decisions about what was salient to the study, relevant to the purpose of the study, and of interest for focus.

- **Triangulation**

The researcher made use of multiple and different sources and methods such as interviews, a literature study and case dockets, in the hope that they would all congregate to support a particular theory.

- **Negative case analysis**

The researcher checked whether the evidence was positive or negative, in order to provide a realistic assessment of the phenomenon under study. The evidence was positive.

- **Clarifying researcher bias**

The researcher took the conclusions back to the participants, so that they could judge their accuracy and credibility. The participants indicated that the conclusions were accurate.

### **1.11 RELIABILITY**

Reliability relates to the methods of data collection, and the concern that they should be consistent and not distort the findings. Generally, it entails an evaluation of the methods and techniques used to collect the data (Denscombe, 2002:100). The logic is that if one measures the same phenomenon more than once, with the same instrument, one should obtain the same measurement (Mason, 2002:187). Babbie (2016:119) defines 'reliability' as a matter of whether a particular technique, applied repeatedly to the same object, would yield the same result each time. Du Plooy-Cilliers et al. (2014:254), mention that reliability refers to the fact that different research participants being tested by the same instrument at different times, should respond identically to the instrument.

The researcher ensured that the data collected was consistent, and that the findings of the research were not distorted in any way. The researcher also used instruments in a standardised manner in order to increase reliability. The answers to the questions posed during the interview were written down, to provide a proper record for analysis. The interview schedule that was used for all the participants ensured consistency in measurement.

The interviews were conducted in private, to ensure confidentiality and anonymity. No leading questions were asked during the interview, nor were the answers influenced in any way. This ensures that when different researchers use the same interview schedule as a measurement, they will obtain the same result. The literature used in the research has been acknowledged throughout the research

report. The cases that were analysed were subjected to the same criteria, to ensure consistency in the data collection. Leedy and Ormrod (2010:3) also emphasise the importance of using research instruments; in this case, the interview schedule and questionnaire was used to ensure reliability.

Creswell (2014:203) suggests the following qualitative reliability procedures:

- **Check transcripts to make sure that they do not contain obvious mistakes made during transcription** – The researcher checked the participants' responses as to whether they were correctly recorded and that they were without mistakes.
- **Make sure that there is not a drift in the definition of codes, and a shift in the meaning of the codes during the process of coding** – The researcher constantly compared the interview schedule with the participants' responses and wrote down their responses word for word.
- **Cross-check codes developed by different researchers by comparing results that are independently derived** – The researcher included several participants and used one-on-one interviews with the participants. The researcher used the different participants' responses, to ensure reliability.

## **1.12 ETHICAL CONSIDERATIONS**

According to Leedy and Ormrod (2014:109), any research study involving human beings must respect participants' right to privacy. According to Graue and Walsh (1998:58), ethical behaviour is really about the attitude that one brings into the field and to one's interpretation. Babbie (2016:520) defines 'ethical' as “conforming to the standards of conduct of a given profession or group.”

The researcher followed the ethics in research, by ensuring the privacy of the participants and the confidentiality of their responses and obtained informed consent. Informed consent is a benchmark for social research topics, as explained by Denscombe (2002:183). The concerns about protection from harm, informed consent and right to privacy were all considered during this research, as indicated by Leedy and Ormrod (2014:273).

The researcher consistently adhered to copyright regulations and avoided plagiarism. The researcher considered ethical conduct when undertaking the research. He also abided by UNISA's code of ethics (UNISA, 2007:7), which was relevant to this research, and stipulates the following:

- **Trustworthiness and sincerity**

The researcher was always trustworthy and sincere when conducting the research, by not being biased and keeping the same interview schedule all the time. Ideas that came from the literature and the participants were considered.

- **Obtaining consent and approval**

The researcher obtained the approval of the National Commissioner of the SAPS to conduct the research, and the participants' consent was obtained to conduct the interviews with them. According to Leedy and Ormrod (2014:273), there are four categories into which most ethical issues in research fall:

- **Right to privacy**

The researcher conducted the research in private. The interviews took place in the samples' place of work, where there was no interference. All the participants were called 'participants'; no names were mentioned. According to Withrow (2014:53), privacy is the right to be left alone. Closely associated with this right is the right to prohibit others from knowing things about one that one does not want them to know. Rubin and Babbie (1997:57) define privacy as "that which is not intended for others to know."

- **Honesty with professional colleagues**

According to Leedy and Ormrod (2014:110), researchers must report their findings in a complete and honest fashion, without misrepresenting what they have done, or intentionally misleading others about the nature of their findings.

The researcher acknowledged all sources and gave credit where it was due. The researcher reported the findings in a complete and honest fashion, without misrepresenting what he had done, or intentionally misleading others about the nature of the findings. The researcher did not fabricate data to support a particular

conclusion. The use of another person's ideas or words was acknowledged by the researcher.

- **Informed consent**

The participants were informed about the nature of the research study, and they volunteered to participate in the study. Bless and Higson-Smith (1995:102-103) state that in a study of this nature, participation should be voluntary. Bless and Higson-Smith (1995:102-103) are supported by Leedy and Ormrod (2014:106). The constitutional rights of the participants were taken into consideration. The researcher obtained consent from the participants who voluntarily participated. Freedom of religion, belief and opinion is stated in Section 15 of the Constitution (South Africa, 1996). The religion and beliefs of the participants were respected.

The researcher took into consideration the principles of beneficence, in respect of human dignity and justice. Participants were informed about the procedures and processes that were to unfold, and the fact that the investigation was solely for study purposes. The participants were informed about the aim and the purpose of the research, as indicated above. The principles of beneficence, in respect of human dignity and justice, were taken into consideration. Ethical considerations, in terms of voluntary participation, were observed, in line with the writings of Bless and Higson-Smith (1995:102-103), who are supported by Leedy and Ormrod (2014:106). Participants were advised to decline or withdraw at any time that they felt uncomfortable or compromised. The ethical issues were thus seriously considered.

### **1.13 CHAPTER LAYOUT**

To address the topic, the aim and the research questions, the dissertation is divided in the following chapters:

This chapter introduced the research, and discussed the aim and purpose of the research, the research questions, key theoretical concepts, the research design and approach, target population and sampling, data collection, methods taken to ensure validity, reliability and ethical considerations.

**Chapter 2:** *Factors that must be considered during a housebreaking investigation must be considered during a housebreaking investigation*

In this chapter, the researcher investigates and addresses the following concepts: crime scene, housebreaking, and elements of housebreaking, evidence, different types of evidence, admissibility of evidence, criminal investigation and the objectives of investigation.

**Chapter 3:** Factors influencing the effectiveness of detectives in the investigation of housebreaking cases in Secunda Cluster

In this chapter, the researcher discusses the feedback from interviews and literature on Research Question 2. The following are evaluated and addressed: steps taken in the investigation of housebreaking cases, docket analysis, outcome of investigation, problems identified by participants, and problem solutions.

**Chapter 4:** Findings of the study

This chapter presents the findings of the study, regarding possible shortcomings, as well as factors influencing the effectiveness of detectives in the investigation of housebreaking cases in Secunda Cluster and makes recommendations for addressing these shortcomings.

## **CHAPTER 2**

### **FACTORS THAT MUST BE CONSIDERED DURING A HOUSEBREAKING INVESTIGATION**

#### **2.1 INTRODUCTION**

Marais and Van Rooyen (1990:13) explain that a housebreaking investigation is directed at the gathering of facts and information through which the housebreaking crime can be constructed. In effect, it comes down to observation and inquiry, in order to obtain factual information about allegations, circumstances and associations. The investigation process is coupled with the clarification of the crime situation, through objective and subjective traces. Objective traces comprise material proof (objects), while subjective traces constitute the evidence of persons who are directly or indirectly involved in the commission of housebreaking. According to Kemp et al. (2015:425) and Snyman (2014:543), housebreaking with the intent to commit a crime when he unlawfully and intentionally breaks and enters into a building with the intention to commit a crime.

Joubert (2010:141) argues that in the investigation process, information is primarily derived from two sources, namely persons and objects. Persons such as complainants, eyewitnesses and victims, are usually able to supply the investigator with information because of their involvement in the crime. Marais (1992:1) explains that the investigators should follow a balanced approach – which means that they must obtain physical evidence and information from people such as the victim or a witness, and not only rely on their interrogation skills to obtain information. Snyman (2014:81) is of the view that crime detection is, in reality, a process of identification and individualisation, from the commission of the crime until the guilt or innocence of the perpetrator has been proved with certainty.

This chapter will begin with a discussion on what Criminal Investigation is, what housebreaking is, the difference between forensic and criminal investigation, and the objectives of an investigation. This chapter will endeavour to answer the first research question, namely “What are the objectives of criminal investigation?” as



reflected in paragraph 1.4 of Chapter 1. It was only sample “A” who were asked this question, as under section “B” in Attachment “A.”

## **2.2 CRIMINAL INVESTIGATION**

According to Greene (2007:356), criminal investigation is the reconstruction of a past event through which police personnel solve crimes. Further, detectives or other investigative personnel take numerous factors into consideration when reconstructing a case, in order to determine who committed the crime and under what circumstances it was committed (Greene, 2007:356).

Marais and Van Rooyen (1990:217) describe crime investigation as the systematic search for the truth on the basis of objective and subjective traces. Du Preez (1996:1) and Van Rooyen (2001:50) both mention that criminal investigation is a systematic search for the truth, with the primary purpose of finding a positive solution to the crime with the help of objective and subjective clues.

Van Heerden (1986:187) states that criminal investigation is the gathering of information and facts, and must be conducted in a lawful way, so that the evidence which is presented will indeed be admissible as evidence. Although this is an old source the description of what criminal investigation entails is still relevant. Bennett and Hess (2007:06) and Berg and Horgan (1998:06) state that criminal investigation is the process of discovering, collecting, preparing, identifying and presenting evidence, to determine what happened and who is responsible. According to Bennett and Hess (2007:06) and Marais (1992:3) criminal investigation is the process of collecting information during different phases, namely reporting, collecting and arresting. In this process, information originates mainly from two sources: people and objects.

Investigation is the systematic search for the truth, with the primary purpose of finding a positive solution to a crime, which is a concept developed over many years (Lochner & Zinn, 2015:6, 7). Zinn and Dintwe (2015:19) define criminal investigation as follows:

... a systematic, organised, thinking, reasoning, examination and analysis process designed to search for the truth, during which an enquiry and thorough analysis is conducted of all types of crimes or unlawful acts.

To the question, “What is criminal investigation?” the participants of Sample “A” responded as follows:

- Twenty-one (21) participants said it is the investigation conducted when a crime has been committed.
- Seven (7) participants said it is when evidence is obtained through witnesses to prove the case.
- Two (2) participants said it is to investigate the case and get all the evidence.

Marais and Van Rooyen (1990:217) state that it is the systematic search for the truth, while the participants state that it is to investigate the case and get all the evidence. The viewpoints of the participants and the literature are the same.

### **2.3 OBJECTIVES OF INVESTIGATION**

Du Preez (1996:6) mentions that criminal investigation takes place with definite objectives in mind and is of the opinion that an objective “describes more precisely a commitment which must be achieved within an appointed time and according to a specified standard.” Van Heerden (1986) identifies the following objectives of criminal investigation: “Crime identification, evidence gathering, crime individualisation, arrest of the offender, recovery of stolen goods, and involvement in the prosecution process.”

Du Preez (1996:8) is of the opinion that criminals are acting more scientifically every day and regards this as an indisputable fact. As emphasised by Du Preez (1996:6), it is important that criminal investigators, in order to succeed in their task of investigation, must keep up with the criminals and their scientific ways. It is not, however, expected from investigators to generate their own advanced technological and scientific aids, but to use the established aids which are developed and refined on a continuous basis.

If the definitions of a criminal investigator by Du Preez (1996:6) and Marais (1992:1) are taken into account, the opinion can be formulated that in order for investigators

to be able to compete with criminals, they should make use of scientific technological aids. In other words, they should gather as much information as possible to reveal the true surroundings of the crime, by using scientific methods and techniques. The goals of criminal investigation, as discussed by Bennett and Hess (2004:5), are to do the following: determine whether a crime has been committed, and whether there is evidence to identify the suspect; arrest the suspect; recover stolen property (theft and housebreaking cases); and, to present the best possible case to the prosecutor.

Gilbert (2004:38) states that when a crime is investigated, it will answer the following questions:

- Where, what time and date did the crime occur?
- Who were the individuals involved?
- Did a criminal violation occur?
- Was there any witness present?
- Is there an indication of guilt or innocence to aid judicial officials in determining a just solution to the case at hand?

Du Preez (1996:6) further states that the objective of criminal investigation is twofold:

- To restrict the victim's losses to a minimum.
- To present the recovered property as evidential material.

Benson, Jones and Horne (2015:13) mention that the objectives of an investigation are to establish whether a crime had actually been committed, to identify and apprehend the suspect(s), to recover stolen property, and to assist in the prosecution of the person(s) charged with the crime.

Lyman (2013:7) states that the objectives of criminal investigation are to do the following:

- Detect crime
- Locate and identify suspects in crimes

- Locate, document and preserve evidence in crimes
- Arrest suspects in all crimes
- Recover stolen property
- Prepare sound criminal cases for prosecution

To the question, “What are the objectives of investigation?” the participants of Sample “A” responded as follows:

- Seventeen participants said it is to search and find out the truth.
- Seven (7) participants said it is to find out the true objectives to solve the case.
- Five (5) participants said is to prove that a crime has been committed.
- One (1) participant said it is to get the criminal before court and all evidence.

The participants said that it is to recover property, uncover the truth, and prove that a crime is committed. The participants were in agreement with the literature.

## **2.4 CRIME SCENE**

Osterburg and Ward (1992:91) define the crime scene as encompassing all areas over which the actors – victims, criminals and eyewitnesses, move during the commission of a crime. Fish, Miller and Braswell (2011:34) mention that crime scenes are not limited to a single location. The primary scene is generally a location where a victim is found – for example, the victim’s car or other mode of transportation, a place of employment, or another public area such as a park or a gym. As suspects are identified, additional secondary scenes such as residences or vehicles may become part of the total crime scene investigation.

Houck and Siegel (2010:31) define a crime scene as where a crime is committed. The location, the items used, and the people involved, all vary from scene to scene, and each scene is unique. Genge (2004:3) states that a crime scene is not only the actual location of the crime; it is also the staging and planning areas – the paths between the primary scene and the secondary scene. Genge (2004:4) further states that “crime happens everywhere, and determining what territory, items and persons make up the ‘crime scene’, isn’t always easy.”

Lee, Palmbach and Miller (2001:2) mention that there are many ways to classify a crime scene. One classification can be based on the original location at which the

crime was committed. Yet another is based on the boundary of the scene, and the activities at the scene. It can also be based on the size or condition of the crime scene. Lee et al. (2001:2), identify the following as some common classification categories:

- **Primary and secondary**

Tulloch (1993:1207) defines 'primary' as “of the first importance,” and Tulloch (1993:1392) also mentions that 'secondary' means “coming after or next below what is primary.” This is a classification based on the original location where the crime occurred. An example is when Mr Nkambule kills his wife inside their house (primary crime scene) and then puts the body in his vehicle and throws it into the river. In this case, the river is the secondary crime scene.

- **Macroscopic and microscopic**

Tulloch (1993:916) is of the opinion that 'macroscopic' means “visible to the naked eye,” while 'microscopic' means “so small as to be visible only with the microscope” Tulloch (1993:962). The macroscopic point of view of the crime scene would include not only a location, but also the victim's body, the suspect's body, the house, and the vehicle involved. Tulloch (1993:962) further defines 'microscopic,' on the crime scene, as any specific object or piece of physical evidence related to the crime scene being investigated. An example would be the sign drawn on the deceased's body, in the case of a Satanism murder.

Crime scenes can also be classified according to the type of crime (homicide or robbery), the location (indoor or outdoor), the condition of the scene (organised or disorganised), or the criminal activity (active or passive). According to Lochner and Zinn (2015:32), the locus of a scene is the place where the crime took place. The scene is any place where a crime is committed, and where it is likely that legal proceedings will occur. Shaler (2012:13) and Lochner and Zinn (2015:32) all state that a crime scene is a “place where the event take place, where the participants of crime meet in time and space.”

To the question, “What is a crime scene?” the participants of Sample “A” responded as follows:

- Twenty-five participants mentioned that the crime scene is the place where the unlawful act took place.
- Three (3) participants said it is a place where the crime took place and evidential material can be found to solve the case.
- Two (2) participants said it is where the unlawful and intentional incident took place.

The participants were in agreement with the literature, as they all mentioned that it is the place where the crime is committed.

## **2.5 HOUSEBREAKING**

Snyman (2014:543) points out that “housebreaking with intent to commit a crime comprises unlawfully breaking into and entering a building or structure, with the intention of committing some crime in it.” Joubert (2001:148) agrees with Snyman (2014:543) by explaining that housebreaking is the “unlawful and intentional breaking and entering of premises with intention to commit an offence inside those premises.” Snyman (2014:543) further states that the crime of housebreaking is committed by unlawful entry into a home or other premises, with the intention of committing a crime on the premises. It does not matter what the intended crime is, whether theft, robbery, murder or rape. At the same time, the crime is not the mere unlawful entry (‘trespass’) into the premises (Snyman (2014:543).

Burchell (2005:857) is of the view that in order for an entry to amount to housebreaking, it must be accompanied by the intention to commit a crime. Housebreaking is classified into two main categories, as explained by Dempsey (2003:171): residential burglaries, which target residential homes, and non-residential burglaries, which occur in offices, stores and warehouses – in other words, business premises.

Snyman (2014:549-550) states that housebreaking alone is not a crime, although the act of housebreaking may, depending on the circumstances, amount to the crime of malicious damage to property. To constitute the crime, housebreaking must be accompanied by the intention of committing some other crime(s). In practice, housebreaking is mostly committed with the

intention to steal, and charged as such, but, in principle, charges of housebreaking with intent to commit any crime, are competent. Kemp et al. (2015:425) and Snyman (2014:543) define housebreaking with the intent to commit a crime as the unlawful and intentional breaking and entering into a building with the intention to commit a crime.

In *S v Mhlokoma* (2006) JOL 18836 (E), the accused had been charged with two offences relating to housebreaking with intent to steal and theft. He pleaded guilty and was convicted for housebreaking with intent to steal and theft, as if they were two separate offences (Snyman, 2014: 543). On automatic review, Van der Byl AJ referred the magistrate to the case of *S v Cetwayo* 2002 (2) SACR 319 (E), in which it was observed that it is trite that housebreaking with intent to commit an offence is in itself a substantive offence (Snyman, 2014:543). The conviction in *S v Mhlokoma* (2006) JOL 18836 (E) was set aside and substituted by the following: “The accused is convicted of housebreaking with intent to steal and theft and sentenced to 18 months imprisonment on that charge” (Snyman, 2014:543).

In terms of Section 256 (2) of the Criminal Procedure Act (South Africa, 1977a), a person can be charged and convicted of “housebreaking with intent to commit an offence unknown to the prosecutor.” There is much to be said for the view that this crime has no right of existence. Housebreaking on its own is not a crime. What in effect happens here is that a person is charged with having committed something which is not a crime (namely housebreaking) with the allegation that the act was accompanied by an intention to commit another, unknown, crime. The mere intention to commit even a known crime is not punishable. After all, the law does not punish mere thoughts. To charge somebody with such a crime is therefore to charge him with something which conceptually cannot constitute a crime (Snyman, 2014:549).

According to Osterburg and Ward (1992:448), a person is guilty of burglary if he enters a building or occupied structure, or separately secures or occupies a portion thereof, with the purpose of committing a crime therein, unless the premises are, at the time, open to the public, or the actor is licensed or privileged to enter. In South Africa, the existence of the Minimum Sentencing Legislation Act (South Africa, 1977b) makes for the charging of housebreaking and the related intention offence,

usually theft or robbery, as separate offences (*S v Maswetsa* 2014(1) SACR 288 (GSJ)). Birzer and Roberson (2012:156) mention that both residential and business burglaries require the same investigative techniques.

To the question, “What is housebreaking?” the participants of Sample “A” responded as follows:

- Twenty-two participants said it is the unlawful and intentional breaking into the premises, with the intention to steal.
- Eight (8) participants said the mere removing or shifting of any object that prevents entry to the premises, constitutes housebreaking.

The participants had the same understanding as the literature of the meaning of housebreaking.

## **2.6 THE ELEMENTS OF HOUSEBREAKING**

According to Joubert (2001:148) and Snyman (2014:543) the elements of housebreaking are outlined as follows:

### **2.6.1 Breaking**

Snyman (2014:543) mentions that breaking can be subdivided into separate components, namely “(a) breaking into the structure and (b) entering it.” For breaking to take place, no actual damage to the structure need be inflicted, although it usually is in practice. The “breaking” consists of the removal or displacement of any obstacles which bar entries to the structure and which form part of the structure itself. In *S v Moeketsi* (87/05) [2005] ZANWHC 60 (8 September 2005), the accused, Japhta Moeketsi, appeared before the Magistrate’s Court at Mankwe, charged with housebreaking with intent to steal and theft. It was alleged that he unlawfully, and with intent to steal, broke into the house of the complainant and stole three video cassettes and a video machine. He was convicted of theft and sentenced to three years imprisonment. He had paid a visit to the complainant’s house and stayed there with her children for a few days. He stole the items after they had left for school. The complainant was not present. In this case the accused did not break into the house.



### **2.6.2 Entering**

A mere “breaking” without “entering” is not sufficient to constitute the crime, although it may amount to an attempt to commit the crime. As with the concepts 'building' and 'breaking,' 'entering' also has a very technical meaning. Entry obtained by fraud is not sufficient to constitute housebreaking, but entry obtained by threats does constitute illegal 'breaking' and 'entering' for the purposes of this crime. It is essential that the charge sheet mentions 'entered' together with the housebreaking. If 'entered' is not alleged or proved, a finding of theft only, as long as theft is proved, is in order (*R v Maruma and another* 1955(3) SA561 (O)). Someone charged with “housebreaking with intent to steal and theft” is, in essence, also charged with theft, and is subject to all the alternative findings given in Section 264 regarding a charge of theft (*R v Impey* 1960(4) SA 556 (E) 566 H; *R v O’Connell* 1960(3) SA 272 (O) (Snyman, 2008:553).

### **2.6.3 A building or structure**

Generally, the house, structure or premises in respect of which the crime is committed, can be any structure which is or might ordinarily be used for human habitation, or for the storage or housing of property (Snyman, 2014:544). A building or structure is most often a house, storeroom, business premises, outbuildings or a factory. It has been held that the crime also be committed in respect of tent or wagon used as a residence in a cabin on a ship, but not in respect of a railway truck used for conveying goods, a fowl run made of tubes and wire netting, or an enclosed backyard.

### **2.6.4 Unlawfulness**

The breaking into and entering of the building or structure must be unlawful. Thus, the crime is not committed if one breaks into and enters one’s own house, or a room that one shares with someone else, or if one has permission to enter inside (for example, as a servant). However, the permission given to, for example, a servant to enter a building may be qualified: they may, for example, be allowed to enter certain parts of the building, or only at certain times of the day. A servant who therefore, for example, breaks into a built-in safe in an office which they are cleaning, may commit the crime (Snyman, 2014:548). *Mens rea* is a requirement for conviction in terms of Section 1 of the Criminal Procedure Act, Act 51 of 1977.

If the perpetrator believes in good faith that they are entitled to be on the premises in question, then they are not committing the offence (*R v Venter* 1961 (1) SA 363 (T)). That case was applied in *S v Nkopane* 1962(4) SA279 (O), in which the court also held, following *R v Mcunu* 1960(4) SA544 (N) that the “lawful reason” which the accused can advance is an exception or exemption as contemplated in Section 90 of the Criminal Procedure Act 51 of 1977. The onus, on a balance of probabilities, is then on the accused to prove a lawful reason for their presence there (Snyman, 2014:543).

### **2.6.5 Intention**

The intention to commit a crime must be present at the moment of breaking and entering. The further intended crime must be a different one from the housebreaking itself. Housebreaking with intention to commit malicious damage to property cannot therefore be committed where such malicious damage to property is the same act as the housebreaking itself (Snyman, 2014:543). The position is different if the housebreaker intends to commit malicious damage to property within the building, once he has gained entry. The further intended crime is usually theft but may be any other crime known either in common or statutory law, such as murder, rape, assault, robbery or malicious damage to property. It was ruled in *S v Maieane* (92/2008) ZAFSHC 115 (26 May 2008) that it is a fundamental principle of South African criminal law that in order to secure a conviction, the State is obliged to prove its case beyond reasonable doubt. On the facts presented, the State indeed proved that the accused had broken into the house of the complainant on the night in question. The issue is not about housebreaking component, but about whether the State had proved the second component – that is, the intention to commit a specific offence. Kemp et al. (2015:426), supports Joubert (2001:148) and Snyman (2014:543) in regard to the elements of house breaking.

To the question, “What are the elements of housebreaking,” the sample “A” participants of sample “A” responded as follows:

- All thirty participants mentioned the elements of housebreaking as the unlawful and intentional breaking into and entering a building or structure, with the intention of committing some crime in it.

The participants were not in agreement with the literature, as they did not mention the entering and structure. They only mentioned the unlawfulness and intention.

## **2.7 EVIDENCE**

Birzer and Roberson (2012:81) define evidence as anything submitted to court that tends to prove or disprove a fact in question. Shaler (2012:20) define evidence as any object that can establish that a crime has been committed or can provide link between a crime and its victim or between a crime and its perpetrator. According to Schmidt and Zeffertt (1997:1), evidence consists essentially of oral evidence, documentary evidence and real evidence produced and received in court. Evidence, however, is not the only means of furnishing proof. It is acceded that the term “probative material” refers to real evidence, but also to formal admission, judicial notice presumptions and statements made in terms of Section 115 of the Criminal Procedure Act, and which do not amount to formal admissions (Schmidt & Zeffertt, 1997:100). “Probative material” therefore refers to more than oral, documentary and real evidence. According to Schmidt and Zeffertt (1997:1), evidence has been said to encompass all the information given in a legal investigation to establish the fact in question.

Longman’s dictionary of contemporary English (1987:349) describes evidence as something such as a fact, sign or object that gives proof or reasons to believe or agree with something. The dictionary further states that it can be regarded as the answers given in a court of law. Sennewald and Tsukayama (2001:139) evidence is defined as: “... the state of being evident; something that makes another thing evident, such as a sign, a statement of a witness, an exhibit, etc., bearing or establishing the point in question in a court of law.”

Dempsey (2003:107-108) explains that the word “evidence” includes all means by which an alleged fact, the truth of which is submitted to scrutiny, is established or disproved. Sennewald and Tsukayama (2001:139) define evidence as – the state of being evident, something that makes another thing evident, such as a sign, a statement of witness and exhibit, etc., bearing on or establishing the point in question in a court of law. Gilbert (2004:58) explains that evidence is – “anything

properly admissible in court that will aid the function of a criminal proceeding in establishing guilt or innocence or establishing the point in question in a court of law.”

Bennett and Hess (2004:87) define evidence as “data on which a judgment or conclusion may be based.” Swanson, Chamelin and Territo (2003:769) define evidence as “anything that tends logically to prove or disprove a fact at issue in a judicial case of controversy.” It is explained by Gilbert (2004:58), Sennewald and Tsukayama (2001:139) and Swanson et al. (2003:769), that anything which might have the slightest bearing on the outcome of a case can be broadly classified as evidence, provided it has a logical tendency to relate to the outcome of the case. In a criminal case, if the matter has bearing on the guilt or innocence of the defendant, it is evidence. In *S v Van der Merwe* 1999 (2) SA 79 (WLD) at 80 I-J and 81, A-C Nugent J (as he then was) stated the following:

In order to convict, the evidence must establish the guilt of the accused beyond reasonable doubt, which will be so only if there is at the same time no reasonable possibility that an innocent explanation which has been put forward might be true. In whichever form the test is expressed, it must be satisfied upon consideration of all the evidence. A court does not look at the evidence implicating the accused, in isolation, in order to determine whether there is proof beyond reasonable doubt, and so too does it not look at the exculpatory evidence in isolation, in order to determine whether it is reasonably possible that it might be true (Schwikkard & Van der Merwe, 2009:528).

Bennett and Hess (2004:87) define evidence as “data on which a judgment or conclusion may be based.” Swanson et al. (2003:769), define evidence as “anything that tends logically to prove or disprove a fact at issue in a judicial case of controversy.”

To the question, “What is evidence?” the participants of Sample “A” responded as follows:

- Twenty (20) participants said evidence is an object which can be used in court to prove if a crime was committed by a certain individual.
- Three (3) participants said it is a presentable proof.

- Four (4) participants said it is anything that can be used to prove a fact in court.
- Three (3) participants said it is anything that could be found at the scene; it can be witnesses, fingerprints and video footage that can help solve the case.

The participants are in agreement with the literature, as they also describe evidence as proof used in court.

## **2.8 DIFFERENT TYPES OF EVIDENCE**

Joubert (2001:342) lists the following types of evidence:

### **2.8.1 Oral testimony of witnesses**

According to Joubert (2001:342), oral evidence is usually presented orally, under oath, and subjected to examination. Supported by Adams, Caddell and Krutsinger (2004:4), oral testimony of witnesses is the best known type of evidence given by witnesses in a court, under oath. The value of oral evidence cannot be undermined in a court of law, and as such has been of value in the implementation of the law.

### **2.8.2 Real evidence**

It is also possible for information to be proved in other ways – for example, by real evidence. A seized murder weapon, for example, may constitute an item of real evidence, but normally requires oral testimony in order to make its significance clear. Adams et al. (2004:4), describe real evidence as physical evidence. Anything, as small as a pollen particle or as large as a train, which is significant in the investigation of crime, or can be tendered as evidence in court, is regarded as physical evidence (Lee & Harris, 2000:4). Adams et al. (2004:4), are of the same view as that of Zeffertt, Paizes and Skeen (2003:404), arguing that real evidence consists of things which can be examined by the court as proof.

### **2.8.3 Video and audio recordings**

It was ruled in *S v Van der Meyden* 1999(2) SA 79 (W) that both video- and audio-tapes are documentary evidence (Joubert, 2013:412).

In *S v MPUMLO and others* 1986 (3) SA 485 (E) the court ruled that video- and tape-recordings constitute real evidence. In *Wise v The Queen* (1992) 8 CRR (2d) 53, the Appeal Court ruled that police installing an electronic travelling device in the car of the accused, without authorization, was unlawful. The movements of the car, however, constituted real evidence. It was also decided in *Sv Baleka and others* (1) 1986 (4) SA 192 (T) that the tapes as well as the contents thereof have to be identified, and that the court must be convinced that they are the originals. Just as in *S v MPUMLO and others* 1986 (3) SA 485 (E), above, the videotapes must be treated as real evidence instead of documentary evidence, so that evidence of the authenticity and originality would not be required for its admissibility (Joubert, 2013:412).

#### **2.8.4 Photographs and films**

According to De Villiers (2008:6), a photograph, as with a piece of paper, is sometimes regarded as real evidence; however, when a photograph is presented to prove what has been captured by the camera – for example, writing on a wall, and to be interpreted, it comes closer to be a document. A photograph is presented to prove what was recorded by the camera. Murphy (1999:387) states that a photograph introduced as identification evidence, does not constitute hearsay, but real evidence, and is admissible in court.

According to Lochner and Zinn (2015:39), there are four basic types of evidence that can be found at the crime scene and used in a court of law:

- **Physical evidence**

It is anything one can carry into a courtroom and place on a table in front of the presiding officer. Physical evidence speaks for itself.

- **Documentary evidence**

This evidence includes reports, cheques, log files and more. Documentary evidence is all the evidence in written or typed form.

- **Testimonial evidence**

The testimony of a witness, in either verbal or written form, is called testimonial evidence. Testimonial evidence is direct.

- **Demonstrative evidence**

This is the use of illustrations or demonstrations that help to explain other evidence. Often this evidence consists of visual aids.

According to Birzer and Roberson (2012:81) and Lochner and Zinn (2015:39), evidence can be classified into three general categories: testimonial, documentary and physical evidence.

To the question, "What are the different types of evidence that can be used in housebreaking cases?" the participants from Sample "A" responded as follows:

- Eleven (11) participants said fingerprints, blood, footprints and hair.
- Nine (9) participants said fingerprints, samples, video footage, footprints and shoeprints.
- Seven (7) participants said fingerprints, witnesses, video footage and modus operandi.
- Three (3) participants said circumstantial evidence and witnesses.

The participants are all familiar with the different types of evidence that can be used in housebreaking cases. The participants are in agreement with the literature. Nine (9) participants also mentioned DNA.

## **2.9 ADMISSIBILITY OF EVIDENCE**

According to Gilbert (2004:59), admissibility means that "evidence must be competent, relevant material to be rendered admissible." Dempsey (2003:110) states that 'admissibility' is evidence admissible in court. According to Bennett and Hess (2001:121), the admissibility of evidence in court means that investigators are able to do the following:

- Identify the evidence as that found at the crime scene.
- Establish its custody from discovery to the present.
- Voluntarily explain any changes that have occurred in the evidence.

Section 210 of the Criminal Procedure Act provides that no evidence as to any fact, matter or thing shall be admissible if irrelevant or immaterial, and if it conduces to prove or disprove any point or fact at issue in criminal proceedings (Zeffertt & Paizes, 2017:247). Schwikkard and Van der Merwe (2002:45) also state that irrelevant evidence is inadmissible, and relevant evidence is admissible; however, not all relevant evidence is necessary admissible. The rule is that any evidence which is relevant is admissible, unless there is some other rule of evidence which excludes it. Even if evidence is highly relevant, and even if it happens to be the only available evidence, it must be excluded where it is privileged. Relevant evidence obtained in breach of constitutional rights may be excluded. Relevance is therefore not the sole test for admissibility.

In the case of *R v Matthews* 1960 1 SA 752 (A) AB, the appeal judge Schreiner declared: "Relevancy is based upon a blend of logic and experience lying outside the law." It is true that the question as to whether evidence is relevant could be confirmed by merely establishing if the witness (being permitted) could contribute to, or refute, the dispute. A preferable approach is to bear in mind that relevancy is one of the admissible requirements (Joubert, 2013:440).

Palmiotto (2004:35) explains that after it has been determined that a crime was committed, and a chain of custody for evidence has been maintained, the next important question is the admissibility of evidence. To be admissible, evidence must be considered material, relevant and competent. Any evidence considered not to be of sufficient value, will not be admitted. According to Swanson et al. (2003:769), one of the rules governing admissibility of evidence requires that the evidence be relevant. The evidence must have a bearing on the issues in the case being tried.

Brown (2001:50) explains that to be admissible, evidence must be relevant and it must have some probative value. The item of evidence must tend to prove a proposition of evidential value. Evidence must be legally significant to be admissible. Palmiotto (2004:35) agrees with the view put forward by Dempsey (2003:110-111), and explains that for evidence to be admissible, it must be considered material, relevant and competent. South African courts are inclined to state the rule in the positive form (Schwikkard & Van der Merwe, 2009:45).



All facts relevant to the issue in legal proceedings may be proved. Not all relevant evidence is necessarily admissible, unless there is some other rule of evidence which excludes it (Schwikkard & Van der Merwe, 2002:45). Evidence which is highly relevant, even if it happens to be the only evidence available, must be excluded where, for example, it is privileged. Relevant evidence obtained in breach of constitutional rights may also be excluded. Relevance is therefore not the sole test for admissibility. The Law of Evidence does not allow untrammelled access to all relevant evidence (Schwikkard & Van der Merwe, 2002:45-46).

Shaler (2012:25) mentions that an item offered as evidence and, subsequently, admitted by the court, is considered admissible evidence. Once admitted, the evidence reaches its pinnacle of importance. It is still that same physical, tangible 'something' found in a corner at some bloody crime scene, but it has now met the appropriate legal standards applied to admissible evidence.

To the question, "What is admissibility of evidence?" the participants of Sample "A" responded as follows:

- Twenty-seven (27) participants said it is when the evidence is admissible in a court of law.
- Two (2) participants said it is evidence that can be used in a court of law.
- One (1) participant said it is the admissible evidence that is collected by following the right procedure in obtaining it.

The literature mentioned that the evidence must be relevant to be admissible. The participants are in line with what admissibility of evidence entails and in agreement with the literature.

## **2.10 SUMMARY**

The objectives of an investigation are to establish whether a crime had actually been committed, to identify and apprehend the suspect(s), to recover stolen property, and to assist in the prosecution of the person(s) charged with the crime. Criminal investigation is the systematic search for the truth.

The crime scene is the most important source of evidence. Housebreaking is the “unlawful and intentional breaking and entering of premises with intention to commit an offence inside those premises. The different types of housebreaking crime scenes must be protected, in order to avoid the evidence becoming contaminated. The investigating official has to know the definition and elements of residential housebreaking, in order to know what type of evidence to look for at the crime scenes, and how to collect and ensure the continuity of that evidence. It is important for all investigators in criminal investigation to know and follow criminal investigation techniques. The next chapter presents the findings of the study, regarding possible shortcomings, as well as factors influencing the effectiveness of detectives in the investigation of housebreaking cases in Secunda Cluster and makes recommendations for addressing these shortcomings.

## **CHAPTER 3**

### **THE FACTORS THAT INFLUENCE THE EFFECTIVENESS OF DETECTIVES IN THE INVESTIGATION OF HOUSEBREAKING CASES**

#### **3.1 INTRODUCTION**

The SAPS' objectives, in terms of Section 205(3) of the Constitution, are the following:

- Preventing, combating and investigating crime;
- Protecting and securing the inhabitants of the Republic and their property; and
- Upholding the law.

In the investigation of crime, detectives cannot only rely on their expertise; forensic techniques have to be utilised, such as DNA and fingerprints. The researcher also checked whether all the necessary experts were utilised in the investigation – for example, the LCRC. The researcher also checked whether proper inspections were carried out, and guidance given to the investigating officers by commanders.

This chapter will endeavour to answer the second research question, namely “What factors influence the effectiveness of the detectives?” as reflected in paragraph 1.4 of Chapter 1.

#### **3.2 FACTORS THAT INFLUENCE EFFECTIVENESS OF INVESTIGATORS**

The following shortcomings have been identified as factors that influence the effectiveness of the detectives in the investigation of housebreaking cases, as indicated by the participants in their answers when asked their opinions.

To the question, “What, according to your experience, are factors that influence the effectiveness of detectives when gathering information in the investigation of housebreaking?” the participants of samples “A” and “B” responded as follows:

- Nineteen (19) participants said the factors influencing the effectiveness of detectives in gathering information during housebreaking investigation are; lack of intelligence, recruitment of quality informers and insufficient time to interview people in the surroundings.

- Seven (7) participants said that cooperation between detectives and first responders is one of the factors, including the utilisation of experts.
- Four (4) participants mentioned the proper training of detectives.

All four facilitators from Sample “B” mentioned that the high number of dockets results in investigators focusing on dockets, and thereby neglecting information gathering.

The participants differed in their opinions with regard to the factors that influence the effectiveness of detectives when gathering information in the investigation of housebreaking. Nineteen (19) mentioned lack of intelligence, recruitment of quality informers and sufficient time to interview people in the surroundings, while seven (7) mentioned cooperation between detectives and first responders, and four (4) mentioned proper training of detectives. The participants of Sample “B” also differed from the views of the Sample “A” participants.

The question, “What, according to your experience, are the factors that influence the effectiveness of detectives in arresting the suspect when investigating housebreaking?” was put to both samples “A” and “B,” who responded as follows:

- Eleven (11) participants of Sample “A” said the understanding of evidence collected link to the suspect.
- Ten (10) participants of Sample “A” said the effective use of crime intelligence and informers.
- Nine (9) participants of Sample “A” said the quality of investigation work.
- Two (2) participants of Sample “B” said that they observed that the detectives are no longer conducting the tracing of suspects, or utilising the informers.
- Two (2) participants of Sample “B” mentioned the lack of informers in the detective environment.

All thirty participants of Sample “A” showed a good understanding on the factors that influence the effectiveness of detectives in arresting the suspect when investigation housebreaking, as they mentioned understanding of evidence collected to link the suspect, the effective use of crime intelligence and informers, and showed a lack of knowledge by mentioning quality of investigation work. The

participants of Sample “B” agreed with participants of Sample “A” with regard to lack of informers.

The question, “What, according to your experience, are the factors influencing the effectiveness of detectives in recovery of stolen property when investigating housebreaking?” was put to the participants of samples “A” and “B,” and they responded as follows:

- Eight (8) participants of Sample “A” said the list of stolen property should always be filed in on the docket.
- Thirteen (13) participants of Sample “A” said that the detectives should circulate all stolen properties with serial numbers.
- Nine (9) participants of Sample “A” said the detectives should trace the stolen property, and thoroughly interview the complainant and witnesses about the description of stolen property.
- Three (3) facilitators of Sample “B” agreed on the lack of informers as something affecting the recovery of stolen property.
- One (1) facilitator of Sample “B” mentioned the lack of a good working relationship with the community, to assist in giving information about suspects in possession of stolen property.

The question, “What, according to your experience, are the factors influencing the effectiveness of detectives in being involved in the prosecution process when investigating housebreaking?” was put to both samples “A” and “B,” and they responded as follows:

- Eleven (11) participants of Sample “A” said the detectives need to consult with the public prosecutor whenever the case docket goes to court.
- Eight (8) participants of Sample “A” said that the detectives should discuss the contents of the case docket with the public prosecutor.
- Five (5) participants of Sample “A” said the detectives should attend court proceedings when the case docket is appearing.
- Six (6) participants of Sample “A” said the detectives should always oppose bail.

All four (4) facilitators of Sample “B” agreed that the investigating officers need to manage their work schedule, so as to be able to discuss their cases with the prosecutors.

Both samples were of the opinion that there must be a good working relationship with the prosecutor.

The question, “What, according to your experience, are the factors which influence the effectiveness of detectives in the individualisation of the crime when investigating housebreaking?” was only put to the participants of Sample “A,” who responded as follows:

- Ten (10) participants said the correct curriculum in detective training courses.
- Eleven (11) participants said specialisation in investigation of cases by detectives.
- Nine (9) participants said the understanding of the Criminal Procedure Act.

The participants of Sample “A” responded that it shows lack of knowledge of the factors that influence the effectiveness of detectives in the individualisation of crime. According to Smith and Flanagan (2000:122), some officers explained that it was the lack of CID experience and, consequently, their lack of domain knowledge relating to specific crime types, one such SIO having observed the following: “In compensating for the lack of experience on the investigative side, you have to tap the resources available to you and use them effectively.”

The participants of Sample “A” were asked to give their opinion on the quality of statements taken by the Community Service Centre (CSC) personnel and the dockets filed in. The question was not posed to Sample “B.”

The responses of Sample “A” were as follows:

- Twenty-three (23) participants pointed out that they are required to retake and improve statements, as the CSC members obtain incomplete statements with regard to the absence of elements of crime in the statements.

- Seven (7) participants pointed out that they are required to retake and improve statements; information as to whether doors were properly locked and windows closed, was not given.

The participants agreed that the statements obtained by the CSC members are not of a good quality, as they don't cover elements of crime, and there is no indication as to whether doors were properly locked and windows closed.

The participants of Sample "A" were asked to give their opinion as to the reasons why there is a lack of evidence in case dockets. The question was not put to sample "B."

The responses of Sample "A" were as follows:

- Nine (9) participants indicated that in most of the residential housebreaking cases there is a lack of evidence found at the crime scene.
- Ten (10) participants said that in some cases there were no witnesses. Proper enquiries were done at the neighbours, but without success. Most burglaries take place during the day when people are at work.
- Six (6) participants mentioned that the residential housebreaking cases are difficult cases to investigate when no DNA or fingerprints were found at the crime scenes.
- Five (5) participants said there are cases where the suspects were found in possession of stolen goods. It is not always possible to link those, as they allege they bought it from unknown persons. The complainants in housebreaking cases are called to identify the recovered stolen items, but are unable to identify them as most of them are not marked. It ends up with the suspects being charged with possession of stolen property.

According to the participants, in most of the crime scenes there are no witnesses, and they can only rely on the DNA (which is a long process, as indicated by the participants) and, in some few cases, positive fingerprints left on the crime scene.

The participants from Sample “A” were asked to give, according to their experience, the reasons why few attempts are made to trace suspects before a docket is closed as undetected. Sample "A" responded as follows:

- Twenty-one (21) participants pointed out that most of the suspects identified by means of fingerprints do not have proper addresses to enable them to be traced; however, warrants of arrest are issued, and they are blacklisted and placed on Police File as well the media.
- Nine (9) participants mentioned the lack of vehicles and the load of workload in the detective services.

The participants gave different views, as twenty-one (21) mentioned that most of the suspects identified by means of fingerprints do not have proper addresses, and nine (9) mentioned the lack of vehicles and load of workload in the detective services.

The participants from Sample “A” were asked to give, according to their experience, the reasons why experts from the LCRC and the FSL are called late to the crime scenes:

- Seventeen (17) of the participants raised the issue that if the case is reported to the CSC, the LCRC were not immediately summoned to the scene. In most cases, the LCRC were summoned by the detective receiving the case for further investigation which is 24 to 48 hours later and the finger prints might be destroyed during cleaning by the owners if not advised to do so.
- Thirteen (13) said the FSL is also not summoned by the CSC members when they arrive at the crime scene.

The participants agreed with the fact that the experts from the LCRC and the FSL are called late to the crime scene, but put the blame on the CSC members; in some cases, the CSC members do not summon the experts at all.

The participants from Sample “A” were asked to give their opinion on why crucial information was not included in the docket. They answered as follows:



- Thirty (30) participants raised the issue of the high number of case dockets they carry, as the reason for incomplete investigations. There are not only housebreaking cases, but other crimes as well.

The participants from Sample “A” were asked to give their opinion on what could be done to improve the standard of statement taking. They responded as follows:

- Twenty-three (23) participants suggested that CSC members attend regular refresher/in-service training courses, to enable them to obtain complete statements when opening a case docket. The statements are to include elements of crime, and names of witnesses.
- Seven (7) said information as to whether the doors were properly locked and windows closed, must be included in the statements.

The participants from Sample “A” were asked to give their opinion on how to improve evidence gathering, in the housebreaking case docket. They answered as follows:

- Thirteen (13) participants suggested that the LCRC be called out to all residential housebreaking cases, to lift fingerprints and DNA on the residential housebreaking crime scene.
- Nine (9) participants suggested that the investigating officers in the residential housebreaking cases recruit and register more informers to assist in gathering information and tracing of possible suspects.
- Seven (7) participants suggested that in cases where the suspects were found in possession of stolen goods, their DNA samples should be taken and compared with those found at the crime scene.

The participants from Sample “A” were asked to give their opinion on how to improve the tracing of suspects before a docket is closed as undetected. They answered as follows:

- Sixteen (16) participants suggested that all suspects identified by means of fingerprints, who cannot be traced from their addresses, must be circulated on the intranet circulation as wanted. The suspect's photograph must be placed in the local newspapers and on police file.

- Six (6) participants mentioned the recruitment of quality informers, and broadcasting of wanted suspects in the media.
- Eight (8) participants said that tracing units must be established in the clusters to only trace the wanted suspects.

The participants from Sample “A” were asked to give their opinion on how to improve the visit to crime scenes by the LCRC and the FSL. They answered as follows:

- All thirty (30) participants suggested that there must be an instruction to the CSC that, with all crime scenes, the LCRC and the FSL must be immediately summoned to the scene. In terms of National Instruction 2 of 2002, page 65, crime scene technicians from the LCRC and the FSL must be summoned to all crime scenes. The SAPS passed the SAPS Policy 2 of 2005, in regard to the crime scene management.

The participants from Sample “A” were asked to give their opinion on how to improve the inclusion of crucial information in the docket. They answered as follows:

- All thirty (30) participants suggested they must be investigators investigating only housebreaking cases. If there is a shortage of manpower, the SAPS must recruit more investigators.

### **3.3 INFORMATION FROM DOCKET ANALYSIS**

The researcher analysed 480 case dockets, in order to obtain answers to the following questions:

- **Did the investigating officer visit the crime scene?**

The docket analysis indicated that in 220 dockets, the crime scenes were visited by the investigating officer, and 260 crime scenes were not visited by the investigating officer.

- **Was the docket submitted for 24-hour inspection?**

Three hundred and twenty (320) dockets were submitted for 24-hour inspection, and 160 were not submitted.

- **Did the investigating officer comply with the instructions given by the commander?**

In 290 dockets the investigating officers complied with the instructions, while in 90 dockets the instructions were not complied with.

- **Is there any indication in the investigation diary that the investigating officer attempted to trace the suspects?**

In 120 dockets the investigation diary indicated that the investigating officer attempted to trace the suspect, while in 360 dockets no attempt was made.

- **Did the investigating officer comply with the instructions given by the prosecutor?**

In 290 dockets, the investigating officers complied with the instructions, while in 90 dockets the instructions were not complied with.

### **3.4 SUMMARY**

It is evident from this chapter, that the investigating officers are required to know and understand the steps of housebreaking investigation, which are as follows: taking charge and control of the crime scene, protection of the crime scene in order to prevent evidence from been destroyed, crime scene documentation, searching the crime scene, and how to reconstruct the crime scene. The participants also identified the problems they encounter during housebreaking investigation, and suggested solutions to the identified problems.

The following chapter focuses on the findings and recommendations regarding chapters two and three, respectively.

## **CHAPTER 4**

### **FINDINGS AND RECOMMENDATIONS**

#### **4.1 INTRODUCTION**

The aim of the research was to find out the effectiveness of the detectives in the investigation of residential housebreaking cases.

To address this aim, two research questions were asked, namely –

- What factors must be considered during a housebreaking investigation?
- Which factors influence the effectiveness of detectives in the investigation of housebreaking cases (business and residential) in the Secunda Cluster?

In order to address these research questions, the researcher used data obtained from interviews conducted with participants, facilitators' analysis of case dockets, and a review of literature.

At the end of the study, after analysis of literature perused and information from participants and facilitators, findings and recommendations can be deduced. This chapter deals with findings and recommendations from the study, and the conclusions thereafter.

#### **4.2 FINDINGS**

The following findings are related to the research questions and information obtained from the participants, case docket analysis, facilitators, as well as the literature.

##### **4.2.1 Findings on research question 1**

- **Criminal investigation**

The research found that criminal investigation is the gathering of information and facts, and must be conducted in a lawful way, so that the evidence which is presented will indeed be admissible as evidence. The participants understood the meaning of 'criminal investigation'.

- **Objectives of investigation**

Based on the data gathered from the literature and the interviews, it was found that the objectives of criminal investigation are the following:

- crime identification;
- evidence gathering;
- crime individualization;
- arrest of the offender;
- recovery of stolen goods; and
- Involvement in the prosecution process.

It was also found that the participants agreed with one another, and with the literature, on the objectives of investigation.

- **Crime scene**

It was revealed that a 'crime scene' encompasses all areas over which the actors – that is, victims, criminals and eyewitnesses, move during the commission of a crime. The crime scene is not limited to a single location. The primary scene is generally a location where a victim is found – for example, the victim's car or other mode of transportation, a place of employment, or another public area such as a park or a gym. As suspects are identified, additional secondary scenes, such as residences or vehicles, may become part of the total crime scene investigation. The majority of the participants mentioned that the crime scene is where the crime is committed.

- **Housebreaking**

It was established through the literature that housebreaking with intent to commit a crime comprises unlawfully breaking into and entering a building, or structure, with the intention of committing some crime in it. The literature indicates that housebreaking alone is not a crime, although the act of housebreaking may, depending on the circumstances, amount to the crime of malicious damage to property. To constitute the crime, housebreaking must be accompanied by the intention of committing some other crime(s). The participants have the same understanding as the literature of the meaning of a 'crime scene'.

- **Elements of housebreaking**

It was established that the elements of housebreaking are breaking, entering a building or structure, unlawfulness and intention. The participants differ from the literature on the elements of housebreaking, which shows the participants' lack of knowledge of the elements of housebreaking.

- **Evidence**

The literature indicates that 'evidence' is any object which can establish that a crime has been committed, or that can provide a link between a crime and its victims, or between a crime and its perpetrators.

'Evidence' is anything properly admissible in court that will aid the formation of a criminal proceeding in establishing guilt or innocence or establishing the point in question in a court of law. The participants know what the meaning of evidence is.

- **Different types of evidence**

The researcher discovered that the different types of evidence are oral testimony of witnesses, real evidence, video- and audio-recordings, photographs and films. The participants know the different types of evidence.

- **Admissibility of evidence**

The literature defines 'admissibility of evidence' as evidence that must be competent, relevant material, in order to be rendered admissible.

'Admissibility' in court means that the investigators are able to do the following:

- Identify the evidence as that found at the crime scene.
- Establish its custody from discovery to the present.
- Voluntarily explain any changes that have occurred in the evidence.

There is a lack of knowledge on the part of the participants on what constitutes admissibility of evidence.

#### **4.2.2 Findings on research question 2**

Research Question 2 focused on the factors that influence the effectiveness of detectives in the investigation of housebreaking cases.

Based on the feedback from the different samples, the researcher made the following findings:

- **The effectiveness of detectives in gathering information**

The participants do not have registered informers to deploy in gathering information. The participants do not utilise crime intelligence to gather information for them.

- **Individualization of crime**

This question was only put to Sample “A,” and it was found that they generally do not visit the crime scene. The participants do not visit the crime scene to enable them to identify the evidence, witnesses and suspects.

- **Arrest of suspects**

The participants do not have informers to assist in locating suspects.

- **Recovery of stolen property**

The participants do not circulate all stolen properties with serial numbers.

- **Prosecution process**

It was established that the detectives do not to attend court proceedings when their case dockets are appearing.

- **The quality of statements taken by the CSC personnel**

The majority of statements taken by the CSC members do not contain all the elements of crime, and the detectives need to retake the statements.

- **The reasons for few attempts in tracing suspects**

The participants indicated that most of the suspects identified by means of fingerprints do not have proper addresses for them to be traced. The participants indicated a great deal of dockets workload.

- **The reasons why experts from LCRC and FSL are called late**

It was established that the CSC members do not always call the experts from the LCRC and the FSL; they wait for detectives to arrive, and the detectives only then summon the LCRC and FSL experts.

- **The reason why crucial information is not included in statements**

There is a lack of knowledge of the elements of crime by members of the CSC, which results in crucial information not being included in the statements.

- **Shortcomings in housebreaking investigation as identified by the participants**

There is a lack of crime intelligence in identifying the suspect(s) in housebreaking cases. The detectives do not have quality informers. There is a lack of specialisation of cases by detectives. The detectives do not consult with the prosecutor, and the detectives do not always oppose bail for the arrested suspects in housebreaking cases.

- **Problems identified by participants in housebreaking investigation**

The statements are incomplete, regarding the absence of elements of crime, and information as to whether the doors were properly locked, and windows closed, as obtained by the CSC members. There is a lack of evidence found at the crime scene. In the majority of housebreaking cases there are no witnesses.

It is difficult to link the suspects found in possession of stolen goods, with the specific crime scene, as most items have identification marks. Suspects identified by means of fingerprints do not have proper addresses for them to be traced. There is a lack of vehicles and a high workload in the detective services. Experts from the LCRC and the FSL are called late to the crime scenes, which results in evidence being contaminated at the housebreaking crime scene.

#### **4.3 RECOMMENDATIONS**

The following recommendations are made on the basis of the facts which unfolded during the research process. In Chapter 1, the researcher indicated that the aim of this research was to determine which factors influence the effectiveness of detectives in the investigation of housebreaking cases in the Secunda Cluster,



because from the preliminary investigation it is clear that there are some factors that affect the investigations of detectives.

The researcher covered the research question, aims and purpose.

#### **4.3.1 Research questions 1 and 2**

It is recommended that detectives in the SAPS, who are investigating housebreaking cases, be trained, and the following should form part of the curriculum:

- The elements of housebreaking with the intent to steal and theft.
- What 'admissibility of evidence' means.
- The role of intelligence gathering in the investigation of housebreaking cases.
- The recruitment and handling of quality informers.
- How to oppose bail.

#### **4.3.2 The SAPS management**

It is recommended that the SAPS management assist in the capacitation of the detectives with regard to the following:

- Lack of vehicles.
- Human resources for specializing in the investigation of housebreaking cases.

#### **4.3.3 The CSC personnel**

It is recommended that the SAPS management ensure that the CSC personnel do the following:

- Obtain proper, detailed complainants' statements, which incorporate the elements of crime.
- Summon the LCRC experts immediately, to the crime scene.

#### **4.4 CONCLUSION**

The researcher's aim was to find out the effectiveness of the detectives in the investigation of housebreaking cases in the Secunda Cluster. The SAPS 6 of the Cluster was obtained to assist the researcher in establishing the effectiveness of

the detectives in the Cluster in addressing housebreaking cases. The investigators investigating the housebreaking cases, as well as the facilitators responsible for training the detectives were interviewed. Various factors, which influence the effectiveness of the detectives in addressing the housebreaking cases, were identified.

It was established that the intelligence gathering in the SAPS are not tasked to assist in gathering intelligence, and the detectives investigating this cases have no informers to assist them with information to recover the stolen property and to identify and trace the suspects.

The lack of human and physical resources was also identified as comprising other factors contributing to the effectiveness of the detectives in addressing housebreaking. Various recommendations have been made to assist the detectives in improving performance regarding detection and conviction of housebreaking cases.

This research has also revealed discrepancies between the literature and the respondents. This indicates that the investigators of housebreaking cases need some training with regard to some topics, such as the elements of housebreaking cases and admissibility of evidence. Improvement in the detection and conviction in housebreaking cases will boost the confidence of the community in the SAPS once more, and deter other criminals from committing housebreaking cases.

## 5. LIST OF REFERENCES

- Adams, T.F., Caddell, A.G. & Krutsinger, J.L. 2004. *Crime scene investigation*. 2<sup>nd</sup> edition. Upper Saddle River, NJ: Prentice Hall.
- Babbie, E.R. 2016. *The practice of social research*. 14<sup>th</sup> edition. Boston, MA: Cengage Learning.
- Babbie, E.R. & Mouton, J. 2002. *The practice of social research*. Cape Town: Oxford University Press.
- Bennett, W.W. & Hess, K.M. 2001. *Criminal investigation*. 6<sup>th</sup> edition. New York: Thomson Wadsworth.
- Bennett, W.W. & Hess, K.M. 2004. *Criminal investigation*. 7<sup>th</sup> edition. Belmont, CA: Thomson/Wadsworth.
- Bennett, W.W. & Hess, K.M. 2007. *Criminal Investigation*. 8<sup>th</sup> edition. Belmont, CA: Thomson/Wadsworth.
- Benson, B.C., Jones, G. & Horne, J.S. 2015. *Forensic investigation: legislative principles and investigative practice*. Cape Town: Juta.
- Berg, B.L. & Horgan, J.J. 1998. *Criminal investigation*. 3<sup>rd</sup> edition. New York: Glencoe/McGraw-Hill.
- Birzer, M.L. & Roberson, C. 2012. *Introduction to criminal investigation*. Boca Raton, FL: CRC Press.
- Blaikie, N. 2003. *Analysing quantitative data: From description to explanation*. London: Sage.
- Bless, C. & Higson-Smith, 1995. *Fundamentals of social research methods*. 2<sup>nd</sup> edition. Cape Town: Juta.
- Bouma, G.D. 1993. *The research process*. London: Oxford University Press.
- Brown, M.F. 2001. *Criminal investigation*. 2<sup>nd</sup> edition. Woburn: Butterworth.
- Bryman, A., Bell, E., Hirschsohn, P., Dos Santos, A., Du Toit, J., Masenge, A., Van Aardt, I. & Wagner, C. 2014. *Research methodology: business and management contexts*. Cape Town: Oxford University Press.
- Burchell, J. 2005. *Principles of criminal law*. Cape Town: Juta.
- Chawki, M. 2004. *The digital evidence in the Information Era Computer Crime Research Center*. From: <http://www.pdfstation.com/...Searching-and-Seizing-Computers-and-Obtaining-Electronic-Evidence-...html> (accessed 20 March 2017).

- Constitution see South Africa. 1996.
- Creswell, J.W. 1994. *Research design*. London: Sage.
- Creswell, J.W. 2003. Understanding reliability and validity in qualitative research. London: Sage.
- Creswell, J.W. 2013. Qualitative inquiry and research design: choosing among five approaches. 3<sup>rd</sup> edition. London: Sage.
- Creswell, J.W. 2014. *Research design: Qualitative, quantitative, and mixed methods*. 4<sup>th</sup> edition. London: Sage.
- Criminal Procedure Act see South Africa. 1977a.
- De Villiers, D.S. 2008. *Criminal justice and forensic investigations*. Johannesburg: University of Johannesburg.
- De Vos, A.S. 2002. *Research at grass roots: For the social sciences and human service professions*. 2<sup>nd</sup> edition. Pretoria: Van Schaik.
- Dempsey, J.S. 2003. *Introduction to investigations*. Belmont, CA: Thomson Wadsworth.
- Denscombe, M. 2002. *Ground rules for good research: a 10-point guide for social researchers*. London: Open University Press.
- Denzin, N.K. & Lincoln, Y.S. 1994. *Handbook of Qualitative Research*. California: Sage.
- Du Plooy-Cilliers, F., Davis, C. & Bezuidenhout, R.M. 2014. *Research matters*. Lansdowne: Juta.
- Fish, J.T., Miller, L.S. & Braswell, M.C. 2011. *Crime scene investigation*. Boston, MA: Elsevier.
- Fisher, A. 2004. *Techniques of crime scene investigation*. Boca Raton, FL: CRC Press.
- Fouche, C.B. & De Vos, A.S. 2011. Selection of researchable topics. In De Vos, A.S., Strydom, H., Fouche, C.B. & Delport, C.S.L. *Research at grass roots: For the social sciences and human service professions*. 3<sup>rd</sup> edition. Pretoria: Van Schaik.
- Fouche, C.B. & Delport, C.S.L. 2016. *Research at grass roots*. 4<sup>th</sup> edition. Pretoria: Van Schaik.
- Gama, M.T. 2011. Provincial Head of Detective Services in Mpumalanga. Statement to author, 26 March. Nelspruit, Mpumalanga.

- Gardner, R.M. 2005. *Practical crime scene processing and investigation*. London: CRC Press.
- Genge, N.E. 2004. *The science of crime scene investigation*. London: Ebury Press.
- Gilbert, J.N. 2004. *Criminal investigation*. 6<sup>th</sup> edition. Upper Saddle River, NJ: Prentice Hall.
- Girard, J.E. 2015. *Criminalistics: Forensic science, crime, and terrorism*. 3<sup>rd</sup> edition. Burlington, MA: Jones & Bartlett Learning.
- Graue, M.E. & Walsh, D.J. 1998. *Studying children in context: Theories, methods and ethics*. Belmont, NJ: Sage.
- Gray, D.E. 2004. *Doing research in the real world*. London: Sage.
- Greene, J.R. 2007. *The encyclopaedia of police science*. 3<sup>rd</sup> edition. New York: Routledge.
- Hoffmann, L.H. & Zeffertt, D.T. 1981. *The South African law of evidence*. 4<sup>th</sup> edition. Durban: Butterworth.
- Houck, M.M. & Siegel, J.A. 2010. *Fundamentals of forensic science*. 2<sup>nd</sup> edition. Boston, MA: Academic Press.
- Huysamen, G.K. 1993 *Metodologie vir die sosiale en gedragwetenskappe*. Durban: Southern Boekuitgewers.
- Joubert, C. 2001. *Applied law for police officials*. Landsdowne: Juta
- Joubert, C. 2010. *Applied law for police officials*. Claremont: Juta.
- Joubert, C. 2013. *Toegepaste reg vir polisiebeamptes*. 3<sup>de</sup> uitgawe. Claremont: Juta.
- Jackson, R.W. & Jackson, J.M. 2004. *Forensic science*. London: Pearson Education.
- Kemp, G., Walker, S., Palmer, R., Baqwa, D., Gevers, C., Leslie, B. & Steynberg, A. 2015. *Criminal law in South Africa*. 2<sup>nd</sup> edition. Cape Town: Oxford University Press Southern Africay.
- Knobe, D. & Bohrnstedt, G.W. 1991. *Basic social statistics*. Itasca, NY: F.E. Peacock.
- Kumar, R. 2011. *Research methodology: A step-by-step guide for beginners*. 4<sup>th</sup> edition. London: Sage.
- Lee, H.C. & Harris, H.A. 2000. *Physical evidence in forensic science*. Tucson, AR: Lawyers & Judges Pub. Co.

- Lee, H.C., Palmbach, T. & Miller, M.T. 2001. *Henry Lee's crime scene handbook*. New York: Academic Press.
- Leedy, P.D. & Ormrod, J.E. 2001. *Practical research: Planning and design*. Upper Saddle River, NJ: Merrill Prentice Hall.
- Leedy, P.D. & Ormrod, J.E. 2005. *Practical research: Planning and design*. 8<sup>th</sup> edition. Upper Saddle River, NJ: Prentice Hall.
- Leedy, P.D. & Ormrod, J.E. 2010. *Practical research: Planning and design*. 9<sup>th</sup> edition. Upper Saddle River, NJ: Merrill Prentice Hall.
- Leedy, P.D. & Ormrod J.E. 2014. *Practical research: Planning and design*. 10<sup>th</sup> edition. Upper Saddle River, NJ: Merrill Prentice Hall.
- Lochner, H.T. & Zinn, R.J. 2015. *Crime scene investigation*. Cape Town: Juta.
- Longman's dictionary of contemporary English. New edition. 1987. s.v. "personal," "describe." Harlow, Essex: Longman.
- Lyman, M.D. 2013. *Criminal investigation*. Upper Saddle River, NJ: Prentice Hall.
- Marais, C.W. 1992. *Physical evidence in crime investigation*. Pretoria: Henmar.
- Marais, C.W. & Van Rooyen, H.J.N. 1990. *Crime investigation*. Silverton: Promedia.
- Mason, J. 2002. *Qualitative researching*. London: Sage.
- Maxfield, M.G. & Babbie, E.R. 1995. *Research methods for criminal justice and criminology*. Boston, MA: Wadsworth.
- Melville, S. & Goddard, W.D. 1996. *Research methodology*. Kenwyn: Juta.
- Mills, J. & Birks, M. 2014. *Qualitative methodology: A practical guide*. London: Sage.
- Minimum Sentencing Legislation Act see South Africa. 1977b.
- Mouton, J. 2001. *How to succeed in your master's and doctoral studies*. Pretoria: Van Schaik.
- Mouton, J. 2015. *Understanding social research*. Pretoria: Van Schaik.
- Mouton, J. & Marais, H.C. 1990. *Basic concepts in the methodology of social sciences*. Pretoria. Human Sciences Research Council.
- Mphuti, M. Chairperson of Gert Sibande CPF in Mpumalanga. 2011. Statement to author, 26 March. Secunda, Mpumalanga.
- Murphy, T. 1999. The admissibility of CCTV evidence in criminal proceedings. *International review of Law Computers and Technology*, 13(3):383-404.
- Neuman, W.L. 2014. *Basics of social research: qualitative and quantitative approaches*. 3<sup>rd</sup> edition. Harlow: Pearson Education.

- Oates, B.J. 2006. *Researching information systems and computing*. Los Angeles, CA: Sage.
- Ogle, R.R. 2004. *Crime scene investigation and reconstruction*. Belmont, NJ: Pearson Education.
- Onwuegbuzie, A.J. & Frels, R. 2016. *Seven steps to a comprehensive literature review*. London: Sage.
- Osterburg, J.W. & Ward, R.H. 1992. *Criminal investigation: A method for reconstructing the past*. 6<sup>th</sup> edition. Cincinnati, OH: Anderson Pub. Co.
- Oxford advanced learner's dictionary of current English*. 7<sup>th</sup> edition. 2005. Oxford: Oxford University Press. s.v. "effectiveness."
- Palmiotto, M.J. 2004. *Criminal investigation*. 3<sup>rd</sup> edition. Dallas, TX: University Press of America.
- Ruane, J.M. 2005. *Essentials of research methods: A guide to social science research*. Oxford: Blackwell.
- Rubin, A. & Babbie, E. 1997. *Research methodology for social work*. Pacific Grove: Wadsworth.
- SAPS see South African Police Service.
- Schmidt, C.W.H. & Zeffertt, D.T. 1997. *Evidence*. Durban: Butterworth-Heinemann.
- Schwikkard, P.J. & Van der Merwe, S.E. 2002. *Principles of evidence*. Claremont: Juta.
- Schwikkard, P.J. & Van der Merwe, S.E. 2009. *Principles of evidence*. 3<sup>rd</sup> edition. Claremont: Juta.
- Sennewald, C.A. & Tsukayama, J.K. 2001. *The process of investigation*. 2<sup>nd</sup> edition. Boston, MA: Butterworth-Heinemann.
- Shaler, R.C. 2012. *Crime scene forensics: A scientific method approach*. Boca Raton, FL: CRC Press.
- Singh, Y.K. 2006. *Fundamentals of research methodology and statistics*. New Delhi: New Age International.
- Snyman, C.R. 2008. *Criminal law*. 5<sup>th</sup> edition. Durban: Lexis Nexis.
- Snyman, C.R. 2014. *Criminal law*. 6<sup>th</sup> edition. Durban: Lexis Nexis.
- South Africa. 1977a. Criminal Procedure Act 51 of 1977. South Africa: Government Printer.
- South Africa. 1977b. Minimum Sentencing Legislation Act 105 of 1977. Pretoria: Government Printer.

- South Africa. Department of Census and Statistics. 2012. *Annual report 2012/2013*. Pretoria: Government Printer.
- South African Police Service. 2002. National Instruction 2. Pretoria: Commissioner of the SAPS.
- South African Police Service. 2005. SAPS Policy 2. Pretoria: Commissioner of the SAPS.
- South African Police Service. 2011. *Annual report. 2010/2011*. Pretoria: Commissioner of the SAPS.
- South African Police Service. 2012. *Annual report, 2011/2012*. Pretoria: Commissioner of the SAPS.
- Strydom, H. 2016. *Research at grass roots*. 4<sup>th</sup> edition. Pretoria: Van Schaik.
- Swanson, C.R., Chamelin, N.C. & Territo, L. 2003. *Criminal investigation*. 8<sup>th</sup> edition. Boston, MA: McGraw-Hill.
- Tulloch, S. 1993. *Reader's Digest-Oxford: Complete word finder*. London: Reader's Digest.
- University of South Africa. 2007. *Code of ethics for research*. Pretoria: UNISA.
- Van As, M.V. & Van Schalkwyk, M.V. 2006. *Research and information management IV and research methodology*. Florida: Technikon SA. [Study guide].
- Van der Westhuizen, J. (ed) *Criminal investigation*. 1996. Forensic criminalistics: Johannesburg: Heinmann.
- Van Graan, J. & Budhram, T. 2015. *Forensic investigation: Legislative principles and investigative practice*. Cape Town. Juta.
- Van Heerden, T.J. 1986. *Introduction to police science*. Pretoria: UNISA.
- Van Rooyen, H.J.N. 2001. *Practical guidelines for private investigators*. Wierda Park: Henmar.
- Welman, J.C. & Kruger, S.J. 2001. *Research methodology for the business and administrative sciences*. Cape Town: Oxford University Press.
- Welman, J.C. & Kruger, S.J. 2005. *Research methodology for the business and administrative sciences*. 3<sup>rd</sup> edition. Cape Town: Oxford University Press Southern Africa.
- Wiid, J. & Diggines, C. 2013. *Marketing research*. 2<sup>nd</sup> edition. Cape Town: Juta.
- Withrow, B.L. 2014. *Research methods in crime and justice*. Oxford: Routledge.
- Zeffertt, D.T., Paizes, A. & Skeen, A. St. Q. 2003. *The South African law of evidence*. Durban: LexisNexis Butterworths.



- Zeffert, D.T.& Paizes, A. 2017. The South African law of evidence. 3<sup>rd</sup> edition.  
Durban: LexisNexis Butterworths.
- Zinn, R.J. & Dintwe, S.I. 2015. Forensic investigation: Legislative principles and  
investigative practice. Cape Town: Juta.

## LAW REPORTS

- R v Impey 1960(4) SA 556 (E) 566 H  
R v Maruma and another 1955(3) SA 561 (O)  
R v Matthews 1960 1 SA 752 (A) AB  
R v Mcunu 1960(4) SA 544 (N)  
*R v O'Connell* 1960(3) SA 272 (O)  
S v Baleka and others (1) 1986 (4) SA 192 (T)  
  
S v Cetwayo 2002 (2) SACR 319 (E)  
S v Nkopane 1962 (4) SA 279 (O)  
*S v Maieane* (92/2008) [2008] ZAFSHC 115; (26 May 2008)  
*S v Maswetsa* 2014 (1) SACR 288 (GSJ)  
S v Van der Meyden 1999(2) SA 79 (W)  
*S v Mhlokoma* (2006) JOL 18836 (E)  
S v Moeketsi (87/05) [2005] ZANWHC 60 (8 September 2005)  
S v MPUMLO and others 1986 (3) SA 485 (E)  
*S v Van der Merwe* 1999 (2) SA 79 (WLD) at 80 I-J and 81  
R v Venter 1961 (1) SA 363(T)  
*Wise v The Queen* (1992) 8 CRR (2d) 53

## **6. ANNEXURES**

### **6.1 ATTACHMENT A: INTERVIEW SCHEDULE FOR DETECTIVES**

#### **TOPIC**

The effectiveness of detectives in the investigation of housebreaking cases in Secunda Cluster, Mpumalanga, South Africa.

#### **AIM**

To determine which factors influence the effectiveness of detectives in the investigation of housebreaking cases.

#### **RESEARCH QUESTIONS**

- What are the objectives of criminal investigation?
- Which factors influence the effectiveness of detectives in the investigation of housebreaking cases in the Secunda Cluster?

#### **Section A: HISTORICAL INFORMATION**

1. Are you an investigation officer?
2. How long have you been an investigator?
3. Do you investigate housebreaking cases?
4. Did you undergo basic detective training?
5. Did you receive training in the investigation of housebreaking cases?

#### **Section B: OBJECTIVES OF INVESTIGATION**

1. What is criminal investigation?
2. What are the objectives of investigation?
3. What is a crime scene?
4. What is housebreaking?
5. What are the elements of housebreaking?
6. What is evidence?
7. What are the different types of evidence that can be used in housebreaking cases?
8. What is admissibility of evidence?

## **Section C: FACTORS THAT INFLUENCE THE EFFECTIVENESS OF DETECTIVES**

1. What, according to your experience, are factors that influence the effectiveness of detectives when gathering information in the investigation of housebreaking?
2. What, according to your experience, are the factors that influence the effectiveness of detectives in arresting the suspect when investigating housebreaking?
3. What, according to your experience, are the factors influencing the effectiveness of detectives in recovery of stolen property when investigating housebreaking?
4. What, according to your experience, are the factors that influence the effectiveness of detectives in being involved in the prosecution process when investigating housebreaking?
5. What, according to your experience, are factors which influence the effectiveness of detectives in the individualisation of the crime when investigating housebreaking?
6. What, according to your opinion, is the quality of statements taken by the CSC personnel and filled in, in the dockets?
7. What, according to your opinion, are the reasons why there is a lack of evidence in case dockets?
8. What, according to your experience, are the reasons why few attempts were made to trace suspects before a docket is closed as 'undetected'?
9. What, according to your experience, are the reasons why experts from the LCRC and FSL are called late to the crime scenes?
10. What, according to your opinion, could be done to improve the standard of statement taking?
11. What, according to your opinion, could be done to improve evidence gathering in the residential housebreaking case docket?
12. What, according to your opinion, could be done to improve the tracing of suspects before a docket is closed as 'undetected'?
13. Participants were asked to give their opinion on how to improve the visit of crime scenes by LCRC and FSL?

14. Why, according to your opinion, is crucial information not included in the docket?

## **6.2 ATTACHMENT B: INTERVIEW SCHEDULE FOR PURPOSEIVE INTERVIEW**

TOPIC: THE EFFECTIVENESS OF DETECTIVES IN THE INVESTIGATION OF RESIDENTIAL HOUSEBREAKING CASES

1. From your experience, which factors influence the effectiveness of detectives when gathering information in the investigation of housebreaking?
2. From your experience, which factors influence the effectiveness of detectives in the individualisation of the crime when investigation housebreaking?
3. From your experience, which factors influence the effectiveness of detectives in arresting the suspect when investigation housebreaking?
4. From your experience, which factors influence the effectiveness of detectives in recovery stolen property when investigation housebreaking?
5. From your experience, which factors influence the effectiveness of detectives in being involved in the prosecution process when investigation housebreaking?

6.3 ANNEXURE A: SAPS APPROVAL ACTING PROVINCIAL COMMISSIONER

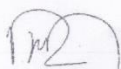
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Privaatsak./Private-Bag X-11299, NELSPRUIT-1200		SAP 21	
Verwysing Reference	3/34/2	THE PROVINCIAL COMMISSIONER SA POLICE SERVICE MPUMALANGA 1200	
Navrac Enquiries	Snr.Supt Bolton Supt Nel	2009-02-05	
Telefoon Telephone	013 7591429		
Faksnomme. Fax number	013 7591456		

The National Commissioner  
SA Police Service  
**PRETORIA**

**RE: RESEARCH PROPOSAL: THE EFFECTIVENESS OF DETECTIVES IN THE INVESTIGATION OF HOUSEBREAKING: MASTERS IN FORENSIC INVESTIGATION: UNISA: RESEARCHER: SNR. SUPT ZE MAKHAZA**

1. This office has perused the documentation received from your office regarding the research; Masters in Forensic Investigation. The aim of the research is to determine why police detectives are not effective in the investigation of house breaking cases at the Secunda cluster.
2. The Province approve the research proposal on condition that the Province will be provided with a copy of the final research product and recommendation for implementation where applicable.

Kind regards

  
ACTING PROVINCIAL COMMISSIONER : MPUMALANGA  
R Q MACAHBI

## **6.4 ANNEXURE B: INFORMED CONSENT**

### **Background**

It was discovered that in most of the housebreaking cases in the Secunda Cluster, there are no arrests. The cases are closed as 'undetected'. In the dockets where people are arrested, there are few convictions.

The purpose of this study is to establish the reasons why the detectives are not effective in the investigation of housebreaking cases.

Study procedure: to conduct interviews, case study and literature.

The expected time commitment for this study is: 4 years.

### **Risks**

The risks of this study are minimal. These risks are similar to those you experience when disclosing work-related information to others. The topics in the survey may upset some respondents. You may decline to answer any or all questions, and you may terminate your involvement at any time if you so choose.

### **Benefits**

There will be no direct benefit to you for your participation in this study. However, we hope that the information obtained from this study may add value and knowledge to the detectives, to understand the existing gaps during their investigations.

### **Alternative Procedures**

If you do not want to be in the study, you may choose not to participate.

### **Confidentiality**

Your identity won't be disclosed.

### **Voluntary Participation**

Your participation in this study is voluntary. It is up to you to decide whether or not to take part in this study. If you do decide to take part in this study, you will be asked to sign a consent form. If you decide to take part in this study, you are still free to withdraw at any time, and without giving a reason. You are free to not answer any

question or questions if you so choose. This will not affect the relationship you have with the researcher.

**Unforeseeable Risks**

There may be risks that are not anticipated. However, every effort will be made to minimise any risks.

**Costs to Subject**

There are no costs to you for your participation in this study

**Compensation**

There is no monetary compensation to you for your participation in this study.

**Consent**

By signing this consent form, I confirm that I have read and understood the information, and have had the opportunity to ask questions. I understand that my participation is voluntary, and that I am free to withdraw at any time, without giving a reason and without cost. I understand that I will be given a copy of this consent form. I voluntarily agree to take part in this study.

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Signature

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Date